

## SPECIAL SESSION

# JOURNAL OF THE SENATE

Tuesday, January 17, 1967

The Senate was called to order by the President at 10:00 A.M.

The following Senators were recorded present:

Mr. President	Deeb	Gunter	Sayler
Askew	de la Parte	Haverfield	Shevin
Bafalis	Edwards	Hollahan	Slade
Barron	Elrod	Horne	Spencer
Barrow	Fincher	Johnson (19th)	Spottswood
Boyd (15th)	Fisher	Johnson (37th)	Stolzenburg
Boyd (28th)	Friday	Knopke	Teague
Broxson	Gibson	McCarty	Thomas
Chiles	Gong	Mathews	Weissenborn
Covington	Greene	Ott	Whitaker
Davis (5th)	Gregory	Poston	Wilson
Davis (27th)	Griffin	Ryan	Young

48. A quorum present.

Prayer by Senator L. K. Edwards, Jr. of the Fourteenth Senatorial District:

Lord, thou has promised to give us the holy spirit if we are willing to open our hearts and let it in. Make us willing now that things of eternal significance may begin to happen. We know deep down in our hearts that without thy guidance we can do nothing, but with thee all things are possible. Let us not be frightened by our problems but give the thanks that thou are with us.

Please forgive us of our sins and bless our country. May there be peace on earth and good will toward all mankind. We pray this prayer in the name of Jesus Christ who died on the cross in order that we might be saved. Amen.

The reading of the Journal was dispensed with.

The Journal of January 16 was corrected and approved.

The Journal of January 11 was further corrected and approved as follows:

Page 24, column 2, line 4, counting from the bottom of the column, strike "and Whitaker." and insert the following: Whitaker and Spottswood.

### INTRODUCTION

By Senators Mathews, Askew, Whitaker, Boyd (28th) and Poston—

**SJR 9-X(67)**—A joint resolution proposing an amendment to article VII of the constitution of Florida by amending the same to provide for the legislature of the state of Florida to consist of a senate and a house of representatives; requiring submission of any apportionment or reapportionment plan to the supreme court of the state of Florida; providing for legislative apportionment; providing for census.

*Be It Resolved by the Legislature of the State of Florida:*

That article VII of the constitution of Florida be amended as set forth below and that said amendment be submitted to the electors of Florida for ratification or rejection at a special election to be held under authority of section 3 of article XVII of the constitution of Florida on November 7, 1967; that three-fourths (¾'s) of the members of the legislature does determine that an emergency exists requiring an early decision by the electors of this state:

**Section 1. Composition.**—The legislative power of the state shall be vested in a legislature of the state of Florida, consisting of a senate composed of one senator elected from each senatorial district and a house of representatives composed of one member elected from each representative district.

### Section 2. Terms and qualifications of legislators.—

(a) **Senators.** Senators shall be elected for terms of four years, those from odd-numbered districts in the years the numbers of which are multiples of four, and those from even-numbered districts in even-numbered years the numbers of which are not multiples of four.

(b) **Representatives.** Members of the house of representatives shall be elected for terms of two years in each even-numbered year.

(c) **Qualifications.** Each legislator shall be at least twenty-one years of age and an elector and resident of the district from which elected.

(d) **Assuming office—vacancies.** Members of the legislature shall take office upon election. Vacancies in legislative office shall be filled only by election as provided by law.

### Section 3. Legislative apportionment.—

(a) **Senatorial and representative districts.** The legislature at its regular session in the second year following each decennial census, by joint resolution, shall apportion the state in accordance with the constitution of the state and of the United States into not less than forty nor more than fifty consecutively numbered senatorial districts of either contiguous, overlapping or identical territory, and into not less than eighty nor more than one hundred twenty consecutively numbered representative districts of either contiguous, overlapping or identical territory. Should that session adjourn without adopting such joint resolution, the governor by proclamation shall reconvene the legislature within thirty days in special apportionment session which shall not exceed thirty consecutive days, during which no other business shall be transacted, and it shall be the mandatory duty of the legislature to adopt a joint resolution of apportionment.

(b) **Failure of legislature to apportion—judicial apportionment.** In the event a special apportionment session of the legislature finally adjourns without adopting a joint resolution of apportionment, the attorney general shall, within five days, petition the supreme court of the state to make such apportionment. Not later than the sixtieth day after the filing of such petition, the supreme court shall file with the secretary of state an order making such apportionment.

(c) **Judicial review of apportionment.** Within fifteen days after the passage of the joint resolution of apportionment, the attorney general shall petition the supreme court of the state for a declaratory judgment determining the validity of the apportionment. The supreme court, in accordance with its rules, shall permit adversary interests to present their views and, within thirty days from the filing of the petition, shall enter its judgment.

(d) **Effect of decree in apportionment—extraordinary apportionment session.** A judgment of the supreme court of the state determining the apportionment to be valid shall be binding upon all the citizens of the state. Should the supreme court determine that the apportionment made by the legislature is invalid, the governor by proclamation shall reconvene the legislature within five days thereafter in extraordinary apportionment session which shall not exceed fifteen days, during which the legislature shall adopt a joint resolution of apportionment conforming to the judgment of the supreme court.

(e) **Extraordinary apportionment session—review of apportionment.** Within fifteen days after the adjournment of an extraordinary apportionment session, the attorney general shall file a petition in the supreme court of the state setting forth the apportionment resolution adopted by the legislature, or if none has been adopted reporting that fact to the court. Consideration of the validity of a joint resolution of apportionment shall be had as provided for in cases of such joint resolution adopted at a regular or special apportionment session.

(f) **Judicial reapportionment.** Should an extraordinary apportionment session fail to adopt a resolution of apportionment or should the supreme court determine that the apportionment made is invalid, the court shall, not later than sixty days after receiving the petition of the attorney general, file with the secretary of state an order making such apportionment.

Section 4. The legislature shall no longer be required to provide for an enumeration of the inhabitants of the state. The last preceding decennial federal census, beginning with the federal census of 1960, shall also be the state census and shall control in all population acts and constitutional apportionments unless otherwise ordered by the legislature.

Was read the first time in full and referred to the Committee on Apportionment, Resolutions and Memorials.

#### SENATE BILLS ON SECOND READING

SB 8-X(67)—A bill to be entitled An act amending chapter 66-1, laws of Florida; providing for the apportionment of the senate and the house of representatives of the legislature of the state of Florida; prescribing terms of office of membership of both houses; providing for continuation in office by members until the general election in November 1968; providing for elections; providing effective dates.

Was taken up. On motion of Senator Askew, SB 8-X(67) was read the second time in full.

Senator Horne presiding.

Pending further consideration of SB 8-X(67), on motion of Senator Mathews, the rules were waived by two-thirds vote and the Senate reverted to the consideration of a message from the House of Representatives.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message was read:

*The Honorable Verle A. Pope* January 17, 1967  
*President of the Senate*

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction and consideration by the required Constitutional two-thirds vote and passed—

By the Committee on Rules & Calendar—

CS for HB 5-X(67)—A bill to be entitled An act relating to the legislature; amending section 11.111, Florida Statutes, providing a continuance of certain proceedings during, immediately prior to and after any session of a legislature; providing effective date.

—and requests the concurrence of the Senate therein.

Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives

On motion of Senator Mathews, by two-thirds vote of the Senate the bill contained in the foregoing message, was admitted for introduction and consideration. The vote was:

Yeas—47. Nays—None.

Mr. President	de la Parte	Haverfield	Shevin
Askew	Edwards	Hollahan	Slade
Barron	Elrod	Horne	Spencer
Barrow	Fincher	Johnson (19th)	Spottswood
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Chiles	Gong	Mathews	Weissenborn
Covington	Greene	Ott	Whitaker
Davis (5th)	Gregory	Poston	Wilson
Davis (27th)	Griffin	Ryan	Young
Deeb	Gunter	Sayler	

The President presiding.

CS for HB 5-X(67), contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

On motion of Senator Mathews, CS for HB 5-X(67) was withdrawn from the Committee on Rules and Calendar.

Unanimous consent was granted Senator Mathews to take up out of order—

CS for HB 5-X(67)—A bill to be entitled An act relating to the legislature; amending section 11.111 Florida Statutes, providing a continuance of certain proceedings during, immediately prior to and after any session of a legislature, providing effective date.

On motions of Senator Mathews, the rules were waived by two-thirds vote and CS for HB 5-X(67) was read the second time by title, the third time in full and passed, title as stated. The vote was: Yeas—48. Nays—None.

Mr. President	Deeb	Gunter	Sayler
Askew	de la Parte	Haverfield	Shevin
Bafalis	Edwards	Hollahan	Slade
Barron	Elrod	Horne	Spencer
Barrow	Fincher	Johnson (19th)	Spottswood
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Davis (27th)	Griffin	Ryan	Young

The bill was certified to the House immediately, by waiver of the rule.

Unanimous consent was granted Senator Shevin for the removal of his name as a co-introducer of SB 8-X(67).

On motion of Senator Barron, the rules were waived by two-thirds vote and the Senate reverted to the order of Introduction of Bills.

#### INTRODUCTION

By Senators Barron, Johnson (19th), Slade, Sayler, Ott, Mathews, Boyd (28th) and Horne—

SCR 10-X(67)—A concurrent resolution relating to general findings of fact and specific findings of fact concerning the rational state policy basis for acceptable variations from exact equal apportionment of the Senate of the State of Florida on the basis of population as provided in Chapter 66-1, Laws of Florida.

WHEREAS, the Legislature of the State of Florida of 1966 in the enactment of Chapter 66-1, Laws of Florida, recognized and the Legislature of 1967 does hereby recognize the absolute necessity that apportionment of each house of the Legislature conform to the requirements of the Fourteenth Amendment to the Constitution of the United States as construed by the Supreme Court of the United States, and

WHEREAS, on January 9, 1967, the Supreme Court of the United States held in *Swann v. Adams*, case No. 136, that any deviation from de minimus in population in relation to representation must be justified on the basis of facts existing in the state making such apportionment and that no apportionment may be arbitrary or discriminatory, and

WHEREAS, the members of the Legislature of 1966 were and the members of the Legislature of 1967 are familiar with many facts of common and public knowledge and many facts particularly within the knowledge of those acquainted with local conditions in various parts of the state and which can be enumerated and reported as the factual basis for the acceptable variations from exact equal apportionment of the Senate of Florida on the basis of population in Chapter 66-1, Laws of Florida, and

WHEREAS, the members of the Senate of the State of Florida as constituted in the Legislature of 1967 wish to present

the factual basis for the acceptable reasons for variations from exact equal apportionment of the Senate of the State of Florida to the United States District Court for the Southern District of Florida, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring, that the following general findings of fact and specific findings of fact are made:

#### 1. GENERAL FINDINGS OF FACT

The State of Florida is a dynamic growing state with a population of 4,900,000 by the 1960 census and 2,016,586 registered voters. In 1966, the estimated population was 6 million with 2,463,832 registered voters.

It has a nationally recognized progressive system of public schools and was the first state to establish a Minimum Foundation program which has become a national pattern. Its Junior College system is designed to place a junior college within commuting distance of every student in Florida. It is recognized throughout the country as a model system. Its university system is tailored to meet the needs of the space-age in which this state is the undisputed leader and has established more new universities in the last decade than any other state in the union.

The Legislature has given constant attention to the development of a great highway system, and has joined with the federal government, utilizing more money than any other state, in the developing of the Interstate system and coordinating it with the state system of primary and secondary and urban connectors.

Physically the State of Florida is a giant peninsula and has thousands of miles of coast line. Thirty-five of its 67 counties are bounded on one side by the Atlantic Ocean and the Gulf of Mexico. Jacksonville, the northeast city, is 400 miles east of Pensacola, the northwest city, and 500 miles north of Key West, yet the state is not more than 150 miles across.

Geographically the cities, resort areas and rich agricultural lands of the state are separated by many natural barriers consisting of rivers, lakes and swamps. The long panhandle of western Florida is completely traversed by many streams running from Alabama, or Georgia, across Florida and into the Gulf of Mexico, among which are the Escambia, Choctawhatchee, Apalachicola, Ocklockonee, Aucilla and Suwannee rivers. The great St. Johns river runs for nearly two hundred miles parallel to and never more than forty miles from the Atlantic Ocean separating these coastal areas from the more agricultural lake section. Okeechobee, Kissimmee and literally hundreds of other lakes or varying sizes have a material bearing upon transportation facilities and the development of the state. Between the Everglades on the South and Okefenokee on the northern border are many swamp areas. The Green Swamp in the central part of the state, large in area, constitutes the main source of the fresh water aquifer for a great portion of the state.

These lakes, rivers and even the swamps are great assets of the state and have contributed much to its growth and development. They have, however, had a profound influence upon the history, economic, social and political development of every section of the state.

In the 1930's, Florida's population was two-thirds rural and one-third urban. By the 1960's Florida's population is 75% urbanized. The geology, climate, and natural barriers have dictated largely the pattern of Florida's urban development.

Florida's population explosion has been principally confined to the coastal regions and the central highlands. The southeastern coast has developed from being virtually uninhabited in 1900 to an urban area containing one-third of the state's population.

Historically the development of the state, until recent years, was principally in the exploitation of her natural resources—fisheries, timber, naval stores and, of course, her productive soil. The geology, climate and natural barriers have had a tremendous influence upon the manner and direction of Florida's urban development.

In the beginning it was only natural that sawmill settlements, naval stores camps and country stores serving farming

areas should be so located as to draw their raw material and trade from adjacent territory accessible by use of the crude roads and vehicles of earlier days without the necessity of crossing the natural barriers of rivers, lakes and swamps. Many streams which are usually small are bordered by marsh and low lands and, particularly in times of heavy rainfall—quite common in Florida—presented very effective barriers to close communication between the areas which they separated.

As the early settlements grew into towns and cities, it was only natural that the social, economic and even the religious life of the people of different areas should revolve around these municipal areas to which they had ready access.

Political activities followed the same pattern. In the formative period local government was concerned primarily with courts, local public roads and schools. The county seats, school houses and roads were so located, and county lines so drawn as to serve the communities which had developed a degree of local autonomy by reason of natural boundaries. This is demonstrated by the fact that of the 67 counties in Florida not less than 49 have one or more streams or lakes (other than coastal waters) as boundaries.

The integrity of the county as a political subdivision is a more basic necessity in Florida than in most other states. The county is charged with many responsibilities incident to the operation of state government. The county is the major local tax base to provide and administer the operation of public schools, junior colleges, health and welfare facilities, and a highway system.

Florida is one of the older states. The social, economic and political habits of a people which have developed over a period of a century and a half do not change quickly when there is no impelling necessity. The people of Florida are loyal to their counties, take pride in their county government and want to preserve their traditional county boundaries.

State policy in legislation is of major importance in weighing the problem of legislative apportionment. Practically all municipalities in Florida are incorporated and, when desired, their charters amended by local laws. County government, local taxes and many local courts are largely regulated by local laws relating to a single county. The local laws enacted by this legislature in recent years exceed the general laws by a ratio probably in excess of 5 to 1 in number and volume. It is also a political policy of great antiquity that the legislature will enact those, but only those, local laws agreed upon by the entire delegation from the affected county.

The natural barriers, the shape of the state, and the varying density of population are such that beginning at any point and carving out districts of exactly equal population would inevitably result in splitting counties, putting in the same district people lacking those affinities desirable in local government, and, many times, people separated by great rivers, swamps or lakes and, sometimes, by traditional rivalries.

All these factors emphasize the importance of the county as a unit in legislative apportionment in Florida. They would appear to be of such importance to the people as to justify according the maximum permissible departure from strict mathematical apportionment in order to preserve, as much as constitutionally possible, districting along county lines.

In those districts where deviation is necessitated because of rational state policy, the Legislature endeavors to minimize deviation in one house by appropriate adjustment in the other house.

The Legislature of 1966 by the enactment of Chapter 66-1 determined that the apportionment therein provided did, in fact, meet the standards of equal protection of the law set by the Supreme Court of the United States when applied to the factual situations existing in Florida, and the Legislature of 1967 confirms that determination based upon the foregoing facts and, as regards those districts where the variation from average population is greatest, based upon the following specific findings of fact.

Specific information and findings of fact as to any Senatorial districts not referred to in the specific findings of fact herein made can be provided, if requested or required by the United States District Court for the Southern District of Florida.

## 2. SPECIFIC FINDINGS OF FACT:

### A. SENATORIAL DISTRICT NO. 3

i. All the reasons stated in justification of District 4 are adopted as being equally applicable to District 3.

ii. The second reason for the justification of this district is the recognition of the natural and historical boundary of the Choctawhatchee River which separates the Third District from the Fourth District. It starts on the north boundary of Washington County and flows southwesterly to the Gulf of Mexico along the Washington County line. Prior to the last few years, the difficulty of crossing the river, especially at flood times, caused the people of a given area to form common social, economic and political ties. Historically, Okaloosa County was carved out of Santa Rosa and Walton Counties. Historically, the people of Holmes, Walton, and Okaloosa Counties separated from Washington County and those west by the natural boundary of the Choctawhatchee River did comprise a compact social, political and economic unit. They do now. In contrast, Washington County and eastward comprised and do comprise a portion of the Bay County trade area.

### B. SENATORIAL DISTRICT 4

In submitting a justification for the variance of 14.39 percent from the norm in the reapportionment plan, we will use the criteria set forth in the opinion of the court and list the justification for variance under the heading of the criteria which justifies variance.

#### i. The Integrity of Political Subdivisions

The 4th senatorial district as presently constituted is located entirely in the first congressional district. The congressman, Robert Sikes, the senior member of the Florida delegation, has represented the counties in the 4th district since he has been in Congress. The only suitable way to adjust the 4th district and the 3rd district, each of which varies more than 14 percent, would be to shift Washington County, with a population of 11,249, to the 3rd district since adjustments in the 3rd and 4th districts can only be made to the east. A glance at the map of Florida establishes this fact. By losing Washington County, the 4th district would have to pick up Calhoun, Liberty, Franklin and Wakulla in order to bring the district within a variance of below ten percent. In doing this, the 4th district would then be split between two congressional districts. This would disturb the long established congressional representation in the various counties in regard to senatorial and congressional representation.

In addition, the counties of Bay, Washington and Gulf presently comprise the 4th district and are located in the 14th judicial circuit. The rearranging of counties as referred to above would result in Bay, Washington and Gulf being in one judicial circuit and Liberty, Franklin and Wakulla being in another.

Prior to the present apportionment plan, Bay, Washington, Calhoun and Gulf were in the old 25th senatorial district, therefore, from a political subdivision standpoint these counties have been together for many years. However, Liberty, Franklin and Washington are separated from the counties of the 4th district by the Apalachicola River and have never been a political subdivision with the counties now comprising the 4th district.

#### ii. Maintenance of Compactness

By placing Washington County in the 3rd district and adding Calhoun, Liberty, Franklin and Wakulla to the 4th district, it is obvious that the district would be far from compact, separated by the Apalachicola River which is probably the greatest natural boundary in the panhandle of Florida.

#### iii. Maintenance of Contiguity

It should be pointed out under this heading that the 4th district if changed would be in a different congressional district and different judicial circuit and although the counties themselves would be contiguous, the flow of efficient governmental activities would be considerably disturbed.

#### iv. Recognition of Natural Boundaries

The 4th senatorial district is bounded on the west by the Choctawhatchee River, on the east by the Apalachicola River and the south by the Gulf of Mexico. The presence of these natural boundaries historically has resulted in certain community of interest, certain governmental philosophies and development of the areas involved. For instance, Bay County and Panama City is the trade area for the counties now comprising the 4th district, while Leon County is the trade area for Liberty, Franklin and Wakulla Counties. A look at the map explains why these trade areas have developed over the years. The Apalachicola River with its vast swamp lands separate the counties of Liberty, Franklin and Wakulla from the 4th district. The economy of Bay and Gulf Counties as compared with Liberty, Franklin and Wakulla is vastly different. For instance, the great single industry in Bay County is tourism. For the past several years, Bay County has been either No. 1, No. 2 or No. 3 of the leading counties in summer tourist attraction. Gulf County also has a very active tourist trade. Both Bay and Gulf Counties have large industrial plants located in the counties. Bay County has the International Paper Company and Gulf has the St. Joe Paper Company, while the economy of Franklin and Wakulla Counties, although located along the coast, is primarily fishing and forestry. Liberty and Calhoun Counties are primarily engaged in agriculture and forestry operations. Because of these great natural boundaries, the people of the counties of Franklin, Wakulla and Liberty have never had a reason to join with the people of the 4th district in planning the future development of their counties or participating in governmental undertakings.

#### v. Recognition of Historical Boundaries as Well as Natural Boundaries for the Reasons Set Forth Above

We would point out further that before rearranging the 3rd and 4th districts, consideration should be given to the actual population of the districts as opposed to the population established by the last federal census. For example, according to figures released by the Florida Development Commission, based on reliable criteria for establishing present day population, Okaloosa County in the 3rd district has a population of 79,800, which is 18,625 people more than the last census reflects. Keeping this fact in mind, the 3rd district is in fact well within the permitted variance, and the addition of Washington County would in fact result in malapportionment as to the 3rd district, in addition to creating the multiple problems set out herein in regard to the 4th district.

We should also keep in mind that the Florida Legislature will reapportion following the 1970 federal census and if inequities exist at that time they can be corrected.

In Bay County there is Gulf Coast Junior College which serves Bay, Washington and Gulf Counties but it does not serve Liberty, Franklin and Wakulla Counties.

#### vi. Conclusion

By applying the test justifying variation laid down by the court, we submit that the variation in the 4th district is justified because of the political subdivisions, desirability of compactness, maintenance of contiguity and recognition of natural and historical boundaries. Any adjustment in the districts to adhere to the norm would bring about more inequities than it would correct. The addition of the counties alluded to above to the 4th district would be to disturb the historical pattern of the government, would be of little or no benefit either to the 4th district as constituted or to the counties added, and in all probability, rather than bringing about harmony and better representation would bring about confusion in governmental functions and impede the ordinary development and progress of the area.

### C. SENATORIAL DISTRICTS 9, 10, 18 AND 31

Duval County, the second largest county in the state, historically in the Florida Legislature has always had a senator. Under any reapportionment plan devised or suggested the territorial integrity of Duval County has been maintained. In a Senate consisting of forty-eight senators, there are only two possibilities with reference to senate representation from Duval County if the territorial integrity is to be preserved. We can either have four senators as in the present plan, which

gives them a 10.37 variance from the normal, or five senators which would give them 11.7 percent over-representation. Between the alternatives, there can be no doubt that the four senator plan gives much greater mathematical equality than does a five senator plan.

The other factors allowable for justification of a variance include a contiguity of senate districts and historical and natural boundaries. These were further factors in the state policy, particularly since Duval county is one of the oldest counties in the state.

Still another consideration to effectuate a reapportionment formula which would have to be considered in connection with Duval County is that it is the only major metropolitan county in the state completely surrounded by small counties. To attach territory from Duval County to a senate district consisting of these small political subdivisions would mean that either the precincts from Duval County or the smaller counties would not have effective representation. To attach a small county to Duval County in a senatorial district would make it either impossible for the small county to have an opportunity to elect a senator or else would necessitate residency requirements.

In addition, there has been no complaint from Duval County as to the numerical representation afforded citizens in the Senate, and the citizens are generally aware that in the House of Representatives there is an over-representation of 2.3 percent as a compensating factor. Under the one hundred seventeen member House, it was possible to have either ten or eleven representatives from Duval County and the county was given eleven, partly because of the ratio of differences in the senate.

It is also to be noted that Duval County constitutes a separate congressional district and it has been the policy of the state to correlate state Senate representation with congressional representation.

#### D. SENATORIAL DISTRICT #12

In 1962, the 12th senatorial district consisted of Indian River, Martin and St. Lucie Counties. In 1963, the district was changed with Indian River being made the 29th district, and Martin being placed with Okeechobee and Osceola Counties in the 33rd district. In 1966, the district was changed with Indian River and Martin being returned to the 12th district, and Okeechobee County added. Population-wise, at that time consideration was given to including Glades County, with 2,950 people. This would have made the 12th district and the 24th district practically equal in population—91,000 in round figures each. However, traditionally, Indian River, Martin, Okeechobee, and St. Lucie Counties have comprised a geographical area with mutual interests around Ft. Pierce, county seat of St. Lucie County, the center of the trade area. Vero Beach, county seat of Indian River County, is 14 miles to the North; Stuart, county seat of Martin County, is 19 miles to the South; and Okeechobee, county seat of Okeechobee County, is 36 miles to the Southwest.

For years, the citrus industry has been the biggest industry in Indian River and St. Lucie Counties, and has now become one of the biggest industries in Martin County. Historically, the Indian River, from the days when the only travel was by sailboat up and down the river, joined these three counties, and the Indian River label on citrus fruit over the years has designated the joint interests of the area. These four counties, Indian River, Martin, Okeechobee and St. Lucie, have for years comprised Division C of the 9th Judicial Circuit, and the Circuit Judges divide the work in the four counties.

The reason that Glades County on the West side of Lake Okeechobee was not included in the 12th district was that for similar reasons just mentioned for the 12th district, Glades County is in the gulf coast area with Ft. Myers, county seat of Lee County, the dominant trade center. The Counties of Charlotte, Collier, Glades, Hendry, and Lee, in the gulf coast area west of Lake Okeechobee and the Kissimmee River have always enjoyed a community of interest west of the natural boundary of Lake Okeechobee and the Kissimmee River, as the counties in the 12th district have to the east. The Caloosahatchee River has been a similar connect-

ing factor in the 24th district, although Indian River technically is a sound and not a river.

Most of Indian River and Martin Counties, prior to 1925, were parts of St. Lucie County. Then, as now, people were related, friends, or business associates, and traded or shopped back and forth daily. The compactness of the area made it obvious that it was undesirable for Martin, as an example, to be in a district with Okeechobee and Osceola when it is only 18 miles between Ft. Pierce and Stuart, but over 120 miles from Stuart to Kissimmee. The maintenance of compactness and recognition of natural boundaries in District 12 is strengthened by Martin and Okeechobee Counties both bordering on Lake Okeechobee, Indian River, Martin, and St. Lucie all bordering on the Atlantic Ocean.

While it is conceded we could have put the four counties in the 12th district, Indian River, Martin, Okeechobee, and St. Lucie, with Palm Beach County and had three senators, thus giving us a better population ratio, it would also have diluted the status of the office in Palm Beach County, served to confuse the voters, and would have required that the senators representing that county decrease their services in order to serve five counties, five county commissions, five school boards, and numerous municipalities. The legislature considered this plan, but it was felt that in spite of the fact that the population ratio was increased by placing Indian River, Martin, Okeechobee, and St. Lucie into one district that the benefits accruing to Palm Beach County on the basis of historical, good representation far offset the slight variation from the average, and that the throwing together of this district purely for the "test-tube" principles of needing a variation was not justified. While we recognize that the 1960 census figures have to be used, surely the Court could take judicial knowledge that it would be a step back where we know a county like Orange County, or Brevard County, or these counties grow faster than the state average.

In the latest congressional redistricting, Indian River and St. Lucie Counties were again placed in the 9th U. S. Congressional District, so the four counties, Indian River, Martin, Okeechobee, and St. Lucie, of the 12th district, the five counties of the 24th district, and Palm Beach County, comprising the 33rd and 35th senatorial districts are the four senate districts in the 9th U. S. Congressional District.

The fact that Martin County on the south is between Lake Okeechobee and the Atlantic Ocean, with the Loxahatchee River on the south, if not joined in the 12th district with St. Lucie, would have to be joined with Palm Beach County with over 228,000 people, immediately indicates the objections to that approach. On the north, Indian River County—with the Atlantic on the east, the St. Johns River marsh on the west, and the Sebastian River on the north, if not joined in the 12th district with St. Lucie County would have to be joined with Brevard County on the north with a population of over 111,000. It should be noted that all these counties in the 12th district periodically have nearly doubled their populations every ten years, and all are among the top counties in the state with percentage increases in the population. The only other direction to go to obtain a county of more population would be toward Osceola County, but for obvious reasons, since Kissimmee, county seat of Osceola County, is only 16 miles from the metropolitan area of Orlando; Osceola and Orange Counties are both in Division A of the 9th Judicial Circuit with resident Circuit Judges serving in both counties; Orange and Osceola Counties are in a house district; and other similar reasons, the people would much prefer to remain with Orange County.

Highlands County is in the same predicament west of the Kissimmee River and closely related to Hardee and DeSoto Counties. A typical reason for the present District 12 is that Indian River Junior College is supported by and serves all four counties. The Ft. Pierce News publishes a four-county edition, and is considered the only local four-county paper. The Miami Herald also publishes an Indian River edition featuring news of Indian River, Martin, and St. Lucie Counties. The Ft. Pierce-Vero Beach television station is a VHF station, and its prime coverage is in the four counties of the 12th district. The Florida East Coast Railway ties Indian River, Martin, St. Lucie Counties together. Eastern Airlines serves the area through Vero Beach, and most passengers from the four counties use that terminal. The port of Ft. Pierce is a deep-water port in the center of the four counties, and has a direct effect on freight rates, which benefit all four

counties. While the St. Lucie inlet in Martin County is available for smaller boats, the Ft. Pierce inlet is the only deep-water harbor between Jacksonville and West Palm Beach. In addition to being in Division C of the 9th Judicial Circuit, all four of the counties presently in the 12th district are also in the Central and Southern Florida Flood Control District. This district is supported by local, state, and federal funds, and all agriculture is dependent on the district for survival. While economic interests are not to be considered, the fact remains that historically, the Okeechobee livestock market has been the main market for cattle interests in all four counties. Southern Bell Telephone Company, for another example, is so set up that all four counties' long distance facilities operate through the Ft. Pierce main offices.

#### E. SENATORIAL DISTRICTS 19, 20, 37, 36

The Legislature established a series of policies in attempting to reapportion at this February 1966 special session: to follow congressional district lines since they were substantially equal in population, giving four senators to each district; to maintain the integrity of the county as a political subdivision in subdistricting.

Orange and Brevard Counties make up the 5th Congressional District. It was essential and desirable to subdistrict both for historical and developmental reasons. With the 1960 Census population for Orange of 263,540 and Brevard of 111,435, the allocation of one Senator for Brevard and three for Orange was the division which came closest to the norm.

<sup>1</sup>Geographically Orange and Brevard counties are separated by the widespread basin of the St. Johns River which forms the eastern boundary line of Orange and the western one of Brevard.

The St. Johns River is Florida's largest river. It flows North, has very little fall and resembles a series of large lakes. Its total basin consists of a wide swath of adjoining lakes and ponds, marsh, and wetlands which is totally uninhabited.

Historically there was, because of the river basin, little communication between Brevard and Orange Counties. Brevard is a long narrow, coastal county and Orange a compact inland county. Both do grow a large amount of citrus but deal in different kinds of markets. Orange citrus is grown in the western highlands of the county and is of the same varieties as Lake and Polk Counties which is used primarily in the concentrates. Brevard produces the luxury Indian River fruit which is marketed under that trade name and commands a premium price in the fresh fruit market.

Highway access between the two counties is extremely limited. One modern highway #50 bisects Orange County, splits into two substandard two-lane roads ten miles west of the boundary line. One of these two-lane roads goes east to Titusville, Brevard's most northern city, the other southeast to Cocoa, Brevard's middle city. The only route to Melbourne, Brevard's Southern city is through Osceola County. Last year a section of wooden bridge on the road to Titusville burned. During the period of rebuilding the bridge, the only route from Orlando to Titusville was a circuitous one through Cocoa and then north to Titusville.

The rapid growth of these two counties has not been in the area where the counties are contiguous. Orange County's growth has been entirely in the western half; Brevard's growth has been along the coast in its three urban sections. The documented evidence of this growth and the projected development has been compiled by the East Central Florida Regional Planning Council which is attached.<sup>2</sup>

"Separating the Orlando complex from the coastal city or Canaveral area, the design calls for a permanent greenway or natural area protecting the entire essential watershed of the St. Johns River. Scenic highway and waterway systems connect the lakes and rivers of the entire area to provide linkage and continuity within this large scale design concept.

<sup>1</sup>See maps attached - Exhibits "A" and "B"

<sup>2</sup>Exhibit C—Excerpts from *The Region's Form and Appearance Study* by The City and Architectural Associates.

#### The Regional City (Canaveral)

The coastal cities of the region (Brevard) have certain characteristics in common—they are all connected by or connected directly to U. S. Route No. 1 and the new U. S. I 95. And they are all water oriented. They have all experienced substantial growth in the last 20 years; they all serve permanent residence populations and tourist population. A substantial number of the residents in all of them are employed in space-age or military activity or service activities connected with them.

#### The Regional City (Orlando)

On the interior of the region Orlando has emerged as the dominant city, serving as a major distribution point for Central Florida and an important employment center for the Aerospace Industry.

It has grown in a few years from a city of less than 50,000 people into a young metropolis. It is probable that Orlando will continue its role of leadership for the inland portion of the region. As such it is expected to grow into a metropolitan center of more than a half million people during the next two decades."

These are the reasons it was determined by the Legislature to subdistrict the four Senate districts giving three to Orange, and one to Brevard. This was the closest arithmetical subdivision possible. Had the four Senate districts been at large between Brevard and Orange, the Legislature considered it entirely possible that all four elected Senators might have been residents in Orange, giving Brevard no direct voice in the Senate. The Court had ruled out satellite residency requirements so this could not be proposed again.

Other evidence considered by the Legislature in subdistricting this 5th Congressional District, was the competition between Orange and Brevard Counties. Although both of these counties are growing in aero-space connected industry, they compete directly with one another in attracting such industry. Since their urban growth is not contiguous, they compete, too, for such governmental services as highways, airports and recreational facilities.

The Legislature also recognized in its deliberations on this matter that the 1960 census figures under which we were required to act at this time, did not reflect the great growth of these two counties during this decade. It was taken into account, in the legislative deliberation, that after the 1970 census when the apportionment of 1971 would occur, that adjustments of senatorial districts in this area would again have to be made.

Final analysis by the Legislature of the total representation of Orange County in the Legislature, House and Senate combined, revealed that while Orange County was under the norm in the Senate by 14.84%, it was over the norm in the House by 11.28%. Thus, the Legislature reasoned that in total legislative representation, the deviation in Orange County's representation would be only 3.56% under the norm. Likewise, Brevard County, while it is over the norm in the Senate by 8.02%, it is under the norm in the House by 12.23%, so its total legislative representation would be only 4.21% under the norm.

#### F. SENATORIAL DISTRICTS 33 & 35

Historically, Palm Beach County has constituted a senatorial district.

Palm Beach is one of the most diversified counties of the state, including agriculture, industry, tourism, culture, recreation, sports and a business center. Further, it is one of the largest counties east of the Mississippi.

The five criteria laid down by the Court justify the continuation of Palm Beach County as a separate senatorial district. The legislative choice in maintaining the integrity of the county as a senatorial district was to give either two or three senators to the county. The conclusion to give two resulted in only a 10.56 variance, whereas three senators would have made the variance astronomically in excess of this amount. The only way to obtain test tube mathematical accuracy would be to divide the county. This was legislatively determined to be not in the public interest and the decision not to divide the county has received the overwhelming endorsement of all of the diversified interests in the county.

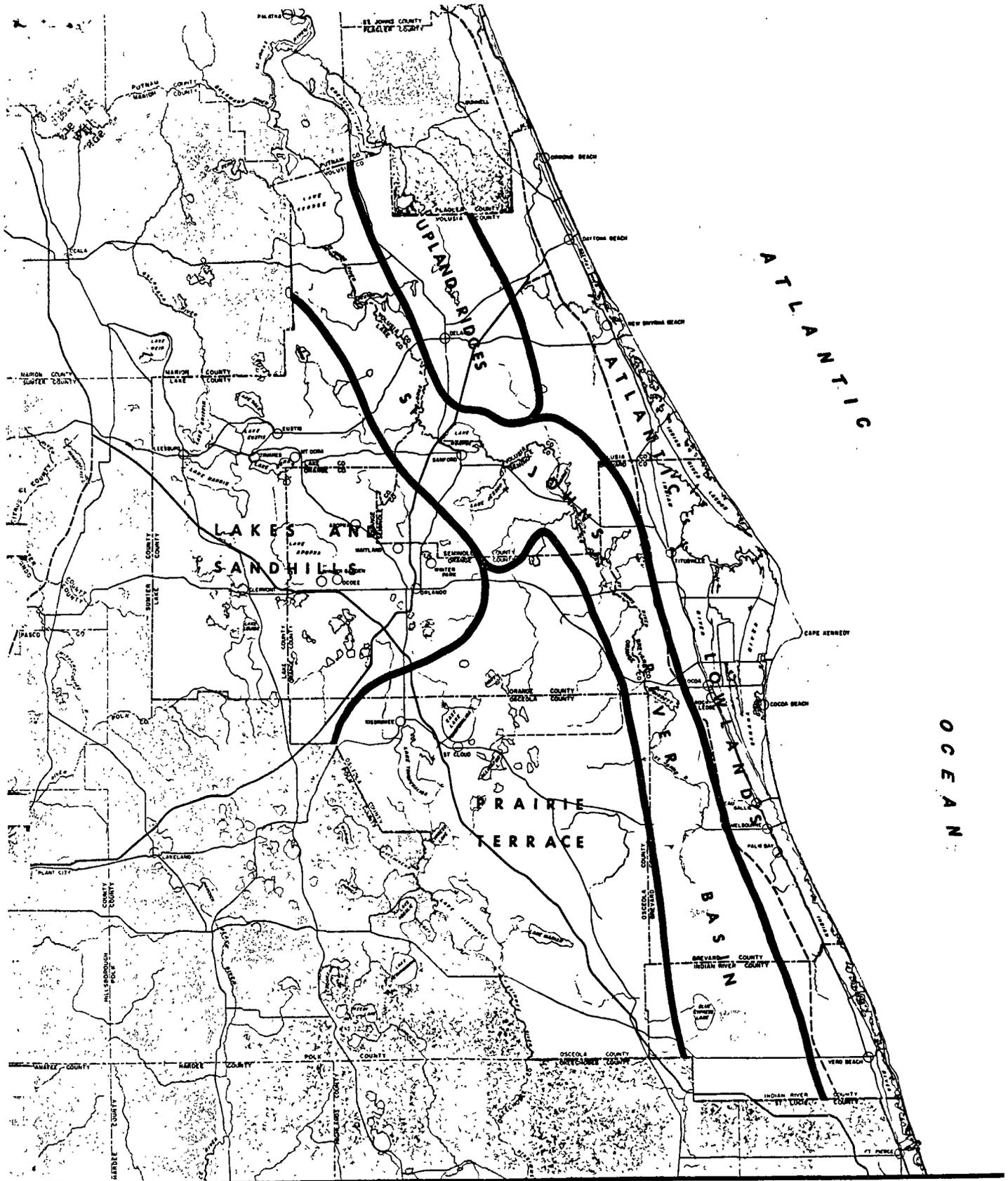


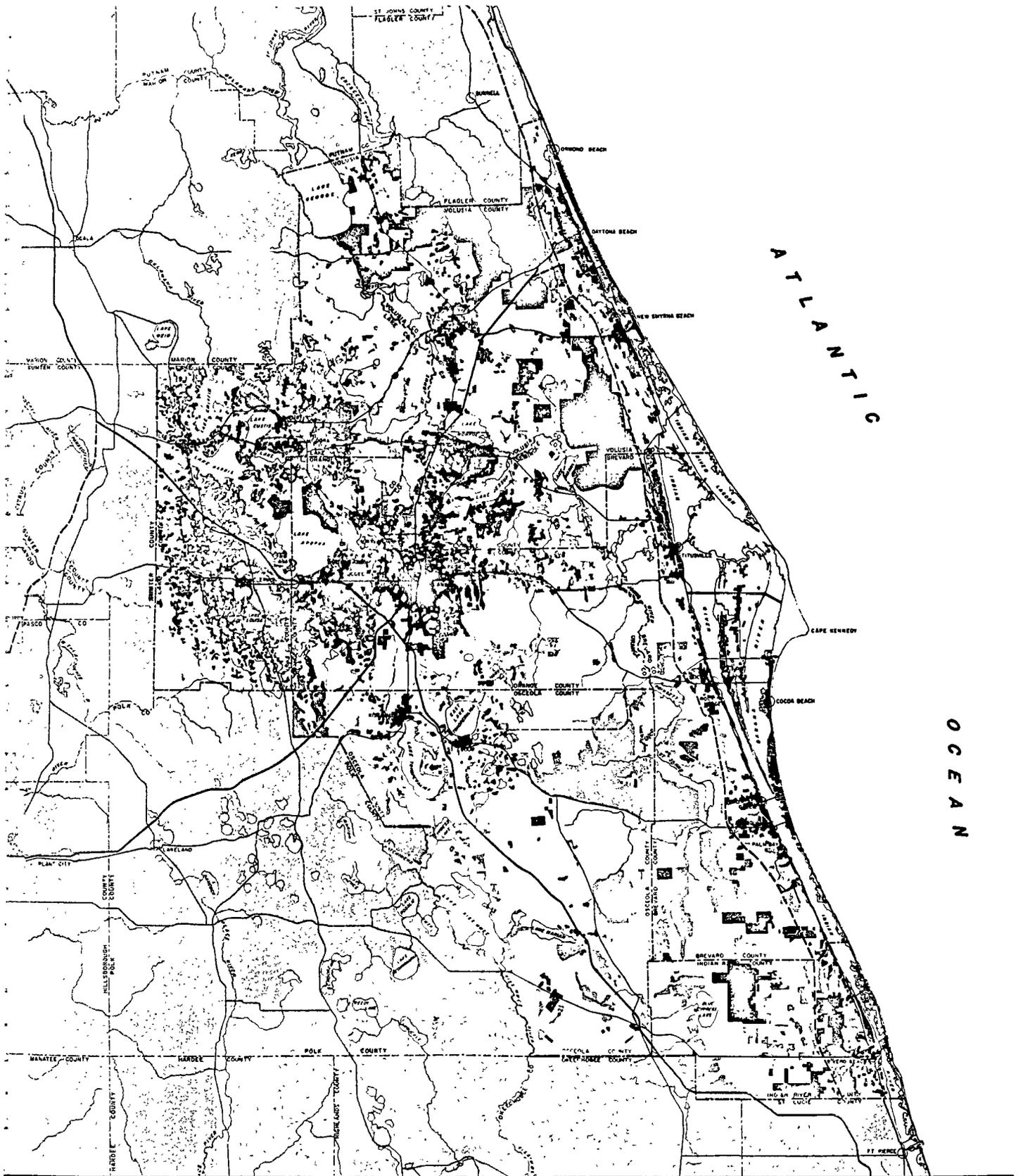
EXHIBIT "A"

NATURAL DISTRICTS  
EAST CENTRAL FLORIDA

LEGEND

— NATURAL DISTRICT BOUNDARY





LEGEND

-  URBAN
-  SEMI-URBAN
-  UNDEVELOPED URBAN
-  NATURAL RANGE & UNDEVELOPED

EXHIBIT "B"

-  TREE CROPS
-  CROP LAND
-  IMPROVED PASTURES
-  MANAGED FOREST

EXISTING LAND USE  
EAST CENTRAL FLORIDA

4 4  
4 11  
SQ. MILES

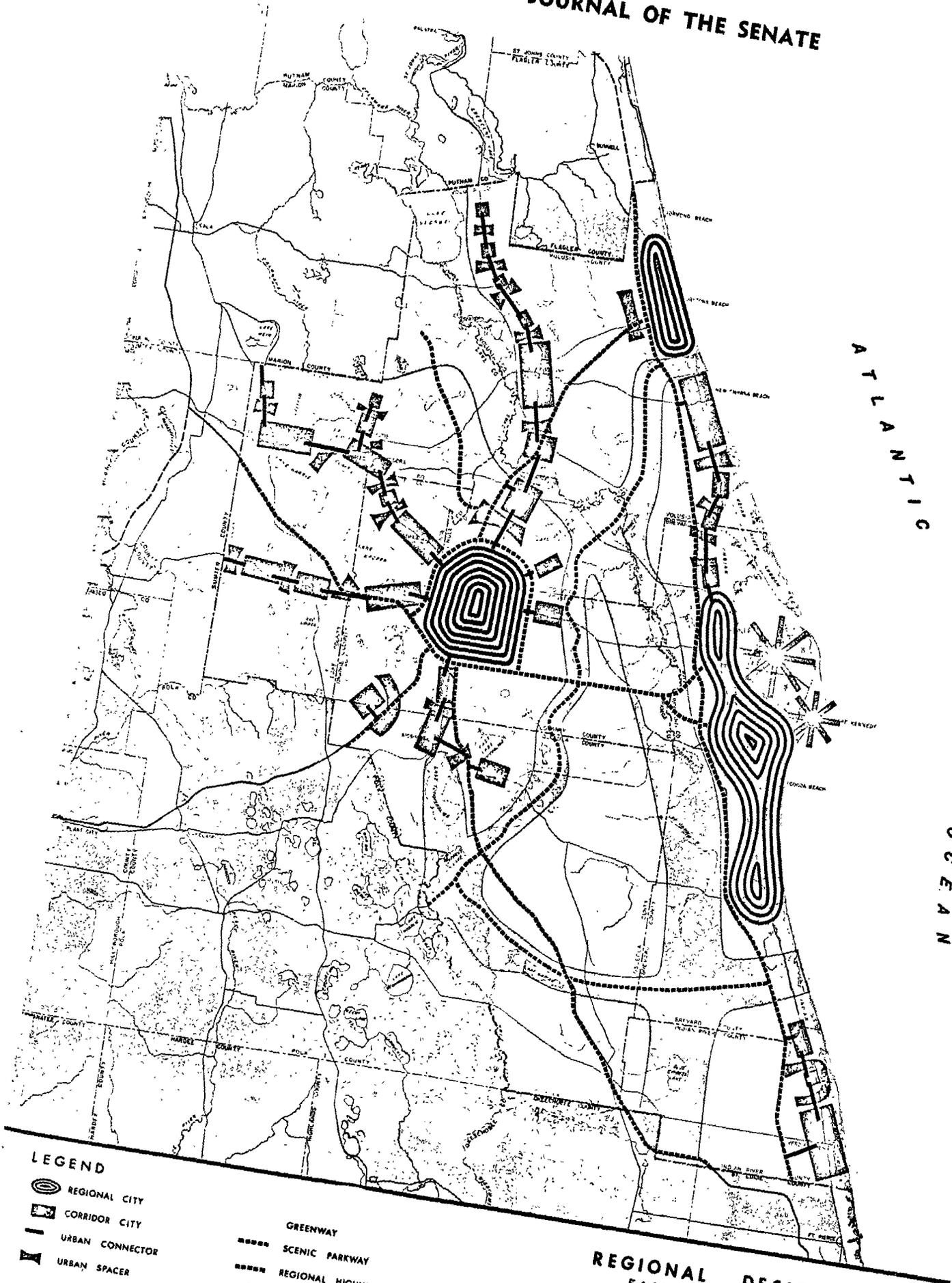
0 8 16 24  
SCALE IN MILES



## THE REGIONAL DESIGN PLAN

The design plan for the East Central Florida Region consists of four visual districts described in this report along with a careful selection of those areas which would appear to be the most desirable for urban development. The Orlando urban complex is identified in the plan with indications as to where the satellite or lineal development along selected major routes would appear to be of greatest benefit to existing communities and to new investment. Similarly, the urbanization of the coast south to Palm Bay is considered as a lineal new city with its focus at the Cape and Merritt Island. Daytona is also featured in the design plan as a major regional city. Separating the corridor cities are wedges of permanent open space which reinforce the identity of the individual cities and give relief from monotony of continuous look-alike development. Separating the Orlando complex from the coastal city or Canaveral area, the design calls for a permanent greenway or natural area protecting the entire essential watershed of the St. John's River. Scenic highway and waterway systems connect the lakes and rivers of the entire area to provide linkage and continuity within this large-scale design concept.

EXHIBIT "C"



ATLANTIC

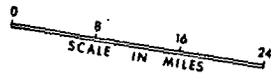
OCEAN

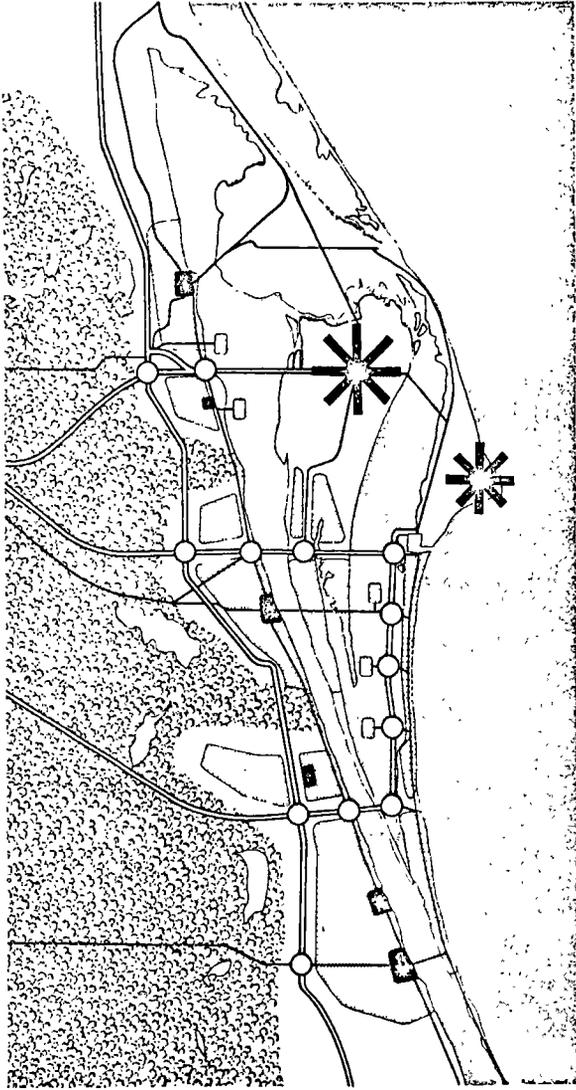
LEGEND

- REGIONAL CITY
- CORRIDOR CITY
- URBAN CONNECTOR
- URBAN SPACER
- GREENWAY
- SCENIC PARKWAY
- REGIONAL HIGHWAY
- SPACE PORT

REGIONAL DESIGN PLAN  
EAST CENTRAL FLORIDA

44  
4  
SQ. MILES



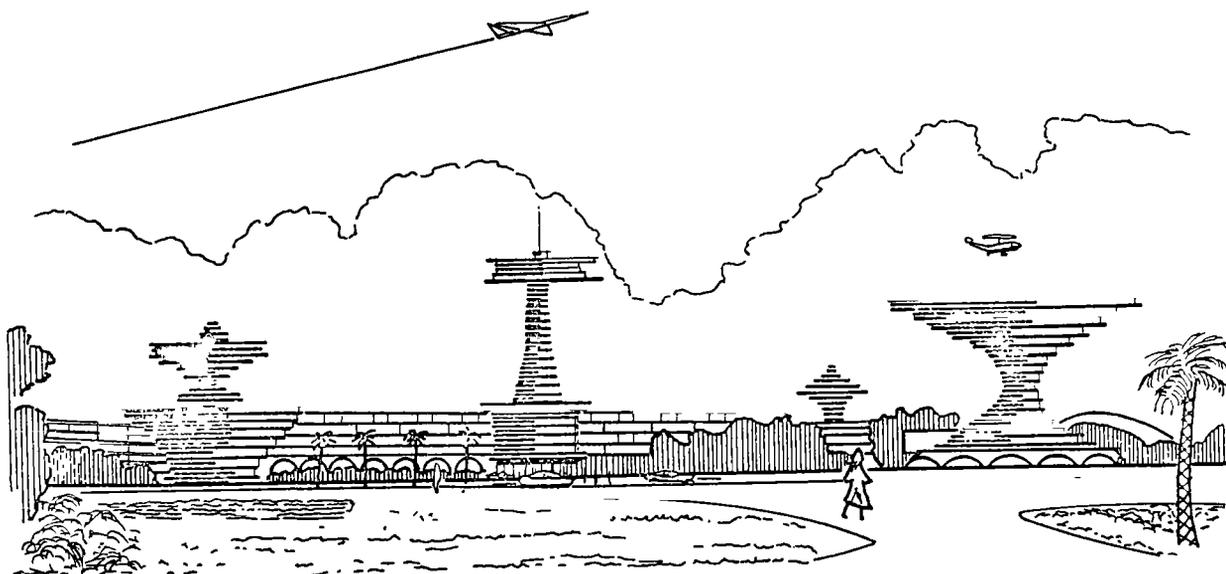


*America's first space city - Canaveral*

THE REGIONAL CITY  
(Canaveral)

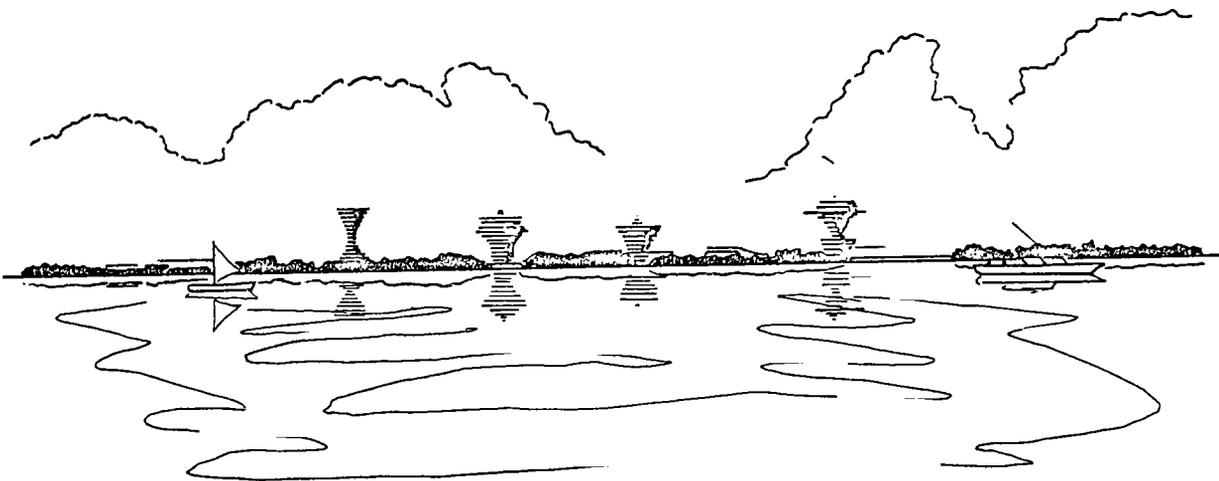
The coastal cities of the Region have certain characteristics in common--they are all connected by or connect directly to U. S. Route #1 and new U. S. I-95 and they are all water oriented. They have all experienced substantial growth in the last twenty years; they all serve permanent residence populations and tourist populations. A substantial number of the residents in all of them are employed in space age or military activity or service activities connected with them. They all enjoy the same climate, the same insects, the

same water pollution problems, the same commuting problems, and future problems of expansion of population and employment requirements. These communities are presently well served by schools and health facilities but they are all deficient in adequate recreation. The long-range design concept embodied in this report is that these communities, sharing common problems, common interests and a common future, although individuals each in themselves, in order to succeed as entities must develop a common purpose or common front. A plan for the best development of the inland waterways, the St. Johns River and the coastal fringe, should envisage a series of clusters of modern cities or sub-cities each with its business and shopping centers and its identifiable cultural and recreational facilities. However, all of them would be tied together by waterways, marinas, causeways, parkways and boulevards designed to unify the system of urban development and to provide it with an attractiveness now lacking. There are limitless opportunities for the development of attractive shore lines now lacking on the Indian and Banana Rivers. We have in mind not only

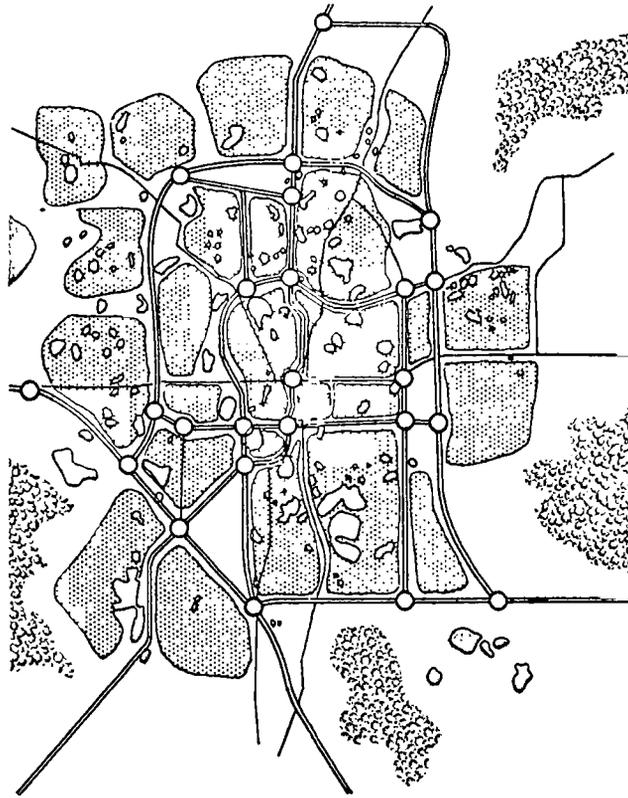


*The architecture of the future will probably be even more daring.*

the classical prototype of Venice, Italy, but the many other water-oriented cities of the world such as Stockholm and Amsterdam and San Antonio, Texas. It is sometimes difficult for people in newly developing areas to think far ahead and visualize what the future of their cities can become. The fine water developments around Biscayne Bay at Miami and at Fort Lauderdale are examples--and good examples--of what selectively could be imitated and improved on here. There are many missing major public facilities which none of these individual existing cities could build today and possibly in the future which through combined effort could be built and could be located centrally along the waterways. It is assumed that the space age installations at Merritt Island and at Cape Kennedy are permanent and that around them in the future can grow a major urban complex making use of planning scales in such a way that Canaveral City can become in itself a major attraction not only of the Region or the State but of the World.



*Future cities may present breathtaking skylines along coastal waterways.*



*A young metropolis - Orlando*

#### THE REGIONAL CITY (Orlando)

On the interior of the Region, Orlando has emerged as the dominant city. Serving as a major distribution point for central Florida and an important employment center for the aerospace industry, it has grown in a few years from a city of less than 50,000 people into a young metropolis.

It is probable that Orlando will continue its role of leadership for the inland portion of the Region. As such it is expected to grow into a metropolitan center of more than a half million people during the next two decades. Attendant to this growth will be problems which must be solved, such as utilities extension and the development of an adequate urban transportation system. So long as the impetus for dynamic urban growth continues, these challenges will probably be met. Less likely to be achieved without determined guidance of the leadership elements of the community and Region are the development of an attractive and compatible visual environment.

Orlando has been graciously endowed by nature. The sub-tropical climate has produced an abundance of lush vegetation and made year-round outdoor living possible. The myriad of jewel-like lakes provide serenity and repose, exciting urban vistas and superb areas for water recreation. Orlando can, if it will, capitalize on these priceless natural assets for generations in the future.

As a young metropolis Orlando grew up with the automobile. Basically automobile oriented, it has not had to face many of the problems of congestion that have confronted many older cities. Orlando's streets and greeways are its windows to the city. Here are opportunities for exciting vistas and breathtaking panoramas of one of America's truly twentieth century cities. Here are challenges for new and imaginative forms in urban design, forms which express both the awesome technology and dynamic spirit of our age. These will be reflected in the ever changing and growing city skyline and roadscape.

Despite its youthful vigor, Orlando has a compact and well defined central business district. Serving as a nucleus for the metropolitan city, it is a center of intense activity. It is hoped that this focal character will be preserved and that for the people of Orlando and surrounding urban areas it will always be exciting to go downtown.

For a city such as Orlando opportunities for a wonderful and pleasing environment are almost limitless. It would be tragic indeed if squalor, decay, and ugliness would befall a city in which America has placed such high aspirations.

Was read the first time in full. On motion of Senator Askew, the rules were waived by two-thirds vote and the Concurrent Resolution was placed on the Calendar.

Unanimous consent was granted Senator Barron to take up out of order—

**SCR 10-X(67)**—A CONCURRENT RESOLUTION relating to general findings of fact and specific findings of fact concerning the rational state policy basis for acceptable variations from exact equal apportionment of the Senate of the State of Florida on the basis of population as provided in Chapter 66-1, Laws of Florida.

Senator McCarty offered the following amendment which was adopted:

In Section 2 (D), lines 14, 15 and 16, page 14, strike: "Then, as now, people were related, friends, or business associates, and traded or shopped back and forth daily."

Senator McCarty also offered the following amendment:

In Section 2 (D), lines 20-29, page 16, strike: "The Ft. Pierce News publishes a four-county edition, and is considered the only local four-county paper. The Miami Herald also publishes an Indian River edition featuring news of Indian River, Martin, and St. Lucie Counties. The Ft. Pierce-Vero Beach television station is a VHF station, and its prime coverage is in the four counties of the 12th district. The Florida East Coast Railway ties Indian River, Martin, St. Lucie Counties together. Eastern Airlines serves the area through Vero Beach, and most passengers from the four counties use that terminal."

Pending consideration of the foregoing amendment, on motion of Senator Barron, consideration of SCR 10-X(67) was temporarily deferred.

The Senate resumed consideration of—

**SB 8-X(67)**—A bill to be entitled An act amending chapter 66-1, laws of Florida; providing for the apportionment of the senate and the house of representatives of the legislature of the state of Florida; prescribing terms of office of membership of both houses; providing for continuation in office by members until the general election in November 1968; providing for elections; providing effective dates.

The Committee on Apportionment, Resolutions and Memorials offered the following amendment which was adopted on motion of Senator Mathews:

Following line 16, page 1, insert the following: WHEREAS approximately fifty per cent of the laws considered and enacted by the legislature is of a local nature pertaining exclusively to specific counties, municipalities and other units of local government; and

WHEREAS senators and members of the house of representatives acting as legislative delegations for areas encompassing these local units of government have held or are in the process of holding throughout the State of Florida public hearings on legislation affecting said areas as is essential to the orderly consideration and preparation of local legislation for introduction in the regular session; and

The Committee on Apportionment, Resolutions and Memorials also offered the following amendment which was adopted on motion of Senator Mathews:

In Section 1, sub-section (3), page 7, strike: sub-section (3) and insert in lieu thereof a new sub-section (3) to read as follows:

(3) (A) The even numbered senatorial districts designated as the second, tenth, eighteenth, twenty-second, twenty-fourth, twenty-sixth, twenty-eighth, thirtieth, thirty-second, thirty-fourth, thirty-eighth, fortieth, forty-second, forty-fourth, forty-sixth and forty-eighth, which are identical in geographic territory with the same numbered districts as they existed at the general election in 1966 shall be filled until the general election of 1970 by the senators elected at the general election in 1966 and thereafter for four (4) year terms.

(B) The senatorial offices provided for by Section 1 of this act and designated by odd numbered senatorial districts numbered the first, seventh, ninth, eleventh, thirteenth, seventeenth, twenty-first, twenty-third, twenty-seventh, twenty-ninth, thirty-first, thirty-third, thirty-fifth, thirty-ninth, forty-third, forty-fifth and forty-seventh districts, which are identical in geographic territory with the same numbered districts as they existed

at the general election in 1966 shall be filled at the general election of 1968 for a four (4) year term and thereafter for four (4) year terms.

The vote was:

Yeas—40

Mr. President	Fincher	Horne	Slade
Bafalis	Fisher	Johnson (19th)	Spencer
Barron	Friday	Johnson (37th)	Spottswood
Boyd (28th)	Gong	Knopke	Stolzenburg
Broxson	Greene	Mathews	Teague
Chiles	Gregory	Ott	Thomas
Deeb	Griffin	Poston	Weissenborn
de la Parte	Gunter	Ryan	Whitaker
Edwards	Haverfield	Sayler	Wilson
Elrod	Hollahan	Shevin	Young

Nays—7

Barrow	Covington	Davis (27th)	McCarty
Boyd (15th)	Davis (5th)	Gibson	

The Committee on Apportionment, Resolutions and Memorials also offered the following amendment which was adopted on motion of Senator Mathews:

In Section 1, page 7, strike: sub-sections (4) and (5) and insert in lieu thereof:

(4) (A) The senatorial offices provided for by Section 1 of this act and designated by odd numbered senatorial districts numbered the fifteenth and forty-first districts, which are identical in geographic territory with the same numbered districts as they existed at the general election in 1966, with the exception of the absence of Osceola county, shall be filled at the general election of 1968 for a four (4) year term and thereafter for four (4) year terms.

(B) The senatorial offices provided for by Section 1 of this act and designated by odd numbered senatorial districts numbered the third, fifth, nineteenth, twenty-fifth and thirty-seventh districts, which are not identical in geographic territory with the same numbered districts as they existed at the general election in 1966, shall be filled at the general election of 1968 for a four (4) year term and thereafter for four (4) year terms.

(C) The senatorial offices provided for by Section 1 of this act and designated by even numbered senatorial districts numbered the fourth, sixth, eighth, twelfth, twentieth and thirty-sixth districts, which are not identical in geographic territory with the same numbered districts as they existed at the general election in 1966, shall be filled at the general election of 1968 for a two (2) year term and thereafter for four (4) year terms.

(D) The senatorial offices provided for by Section 1 of this act and designated by senatorial districts numbered the fourteenth and sixteenth districts, which are identical in geographic territory with the same numbered districts as they existed at the time of the general election in 1966, with the exception of the absence of Osceola county, shall be filled until the general election of 1970 by the senators elected in the general election of 1966 and thereafter for four (4) year terms.

(E) All senators, except as herein provided, and except when vacancies are to be filled for unexpired terms, shall be elected for four (4) year terms.

Pending further consideration of SB 8-X(67), on motion of Senator Whitaker, the Senate recessed at 12:20 P.M. until 1:30 P.M.

**The President presiding.**

The following Senators were recorded present:

Mr. President	Deeb	Gunter	Sayler
Askew	de la Parte	Haverfield	Shevin
Bafalis	Edwards	Hollahan	Slade
Barron	Elrod	Horne	Spencer
Barrow	Fincher	Johnson (19th)	Spottswood
Boyd (15th)	Fisher	Johnson (37th)	Stolzenburg
Boyd (28th)	Friday	Knopke	Teague
Broxson	Gibson	McCarty	Thomas
Chiles	Gong	Mathews	Weissenborn
Covington	Greene	Ott	Whitaker
Davis (5th)	Gregory	Poston	Wilson
Davis (27th)	Griffin	Ryan	Young

48. A quorum present.

The Senate resumed the consideration of SB 8-X(67).

Senator Covington offered the following amendment which failed:

In Section 1(2), lines 28, 29, 30 and 31 page 4, strike: "Brevard, Indian River, Martin, Okeechobee and St. Lucie counties; provided that the senator from the twelfth district shall reside in a county other than Brevard." and insert the following: Orange, Brevard, Indian River, Okeechobee, St. Lucie and Martin counties; provided that the senator from the twelfth district shall reside in a county in this district other than Orange and Brevard.

The vote was:

Yeas—9

Mr. President	Covington	Davis (27th)	Gibson
Barrow	Davis (5th)	Edwards	Teague
Boyd (15th)			

Nays—38

Askew	Fisher	Johnson (37th)	Spencer
Bafalis	Friday	Knopke	Spottswood
Barron	Greene	McCarty	Stolzenburg
Boyd (28th)	Gregory	Mathews	Thomas
Broxson	Griffin	Ott	Weissenborn
Chiles	Gunter	Poston	Whitaker
Deeb	Haverfield	Ryan	Wilson
de la Parte	Hollahan	Sayler	Young
Elrod	Horne	Shevin	
Fincher	Johnson (19th)	Slade	

Senator Covington also offered the following amendment which failed:

In Section 1(2), line 3, page 5, strike: "and Volusia" and insert the following: , Volusia and Osceola.

The vote was:

Yeas—14

Mr. President	Covington	Gibson	Teague
Barrow	Davis (5th)	Greene	Thomas
Boyd (15th)	Davis (27th)	Horne	
Chiles	Edwards	McCarty	

Nays—31

Askew	Fincher	Johnson (37th)	Spencer
Bafalis	Fisher	Knopke	Spottswood
Barron	Friday	Ott	Stolzenburg
Boyd (28th)	Gregory	Poston	Weissenborn
Broxson	Griffin	Ryan	Whitaker
Deeb	Gunter	Sayler	Wilson
de la Parte	Haverfield	Shevin	Young
Elrod	Johnson (19th)	Slade	

Senator Covington also offered the following amendment which failed:

In Section 1 (2), line 8, page 5, strike: "Citrus, Flagler, Hernando, Lake, Marion, Pasco, St. Johns, Seminole, Sumter, and Volusia Counties."

and insert the following: WHEREAS the 16th Senatorial District has been comprised of Citrus, Flagler, Hernando, Lake, Marion, Pasco, St. Johns, Seminole, Sumter, Volusia and Osceola Counties and this bill would remove Osceola County from the 16th Senatorial District, it should be noted that the Secretary of State of the State of Florida has certified, "that at the May 3, 1966 First Primary Election, the votes cast for the candidates for the office of State Senator of the Sixteenth Senatorial District, as shown by the election returns on file in this office, are as follows:

County	D. D. Covington, Jr.	Francis P. Whitehair
Citrus	2,030	1,631
Flagler	751	527
Hernando	1,818	758
Lake	5,536	3,657
Marion	5,134	4,611

Osceola	1,383	2,227
Pasco	6,993	1,493
St. Johns	2,274	2,992
Seminole	3,254	3,458
Sumter	1,521	793
Volusia	17,667	9,784
TOTALS	48,361	31,931
GRAND TOTAL		80,292"

This certification offers proof positive that the election results in the May 3, 1966 Primary for the 16th Senatorial District would in no way be affected by the removal of Osceola County from the 16th Senatorial District.

The Secretary of State of the State of Florida has further certified, "that at the November 8, 1966 General Election, the votes cast for the candidates for the office of State Senator of the Sixteenth Senatorial District, as shown by the election returns on file in this office, are as follows:

County	D. D. Covington, Jr.
Citrus	1,763
Flagler	638
Hernando	1,691
Lake	5,954
Marion	4,964
Osceola	2,062
Pasco	4,837
St. Johns	2,455
Seminole	5,872
Sumter	979
Volusia	14,293
TOTAL	45,508
Scattering	6
GRAND TOTAL	45,514"

This certification offers proof positive that the election results in the November 8, 1966 General Election for the 16th Senatorial District would in no way be affected by the removal of Osceola County from the 16th Senatorial District.

Sixteenth District—Citrus, Flagler, Hernando, Lake, Marion, Pasco, St. Johns, Seminole, Sumter, and Volusia Counties.

The vote was:

Yeas—15

Mr. President	Covington	Gibson	Ott
Barrow	Davis (5th)	Greene	Teague
Boyd (15th)	Davis (27th)	Griffin	Weissenborn
Chiles	Edwards	McCarty	

Nays—32

Askew	Fincher	Johnson (19th)	Slade
Bafalis	Fisher	Johnson (37th)	Spencer
Barron	Friday	Knopke	Spottswood
Boyd (28th)	Gong	Mathews	Stolzenburg
Broxson	Gregory	Poston	Thomas
Deeb	Gunter	Ryan	Whitaker
de la Parte	Haverfield	Sayler	Wilson
Elrod	Horne	Shevin	Young

Senator Shevin offered the following amendment which failed:

In Section 1(4)(A)(B)(C)(D), lines 7-28, page 8, and lines 1-11 on page 9, strike lines 7-28 on page 8 and lines 1-11 on

page 9 and insert the following: (4) The senatorial offices for senatorial districts three, four, five, six, eight, twelve, fourteen, fifteen, sixteen, nineteen, twenty, twenty-five, thirty-six, thirty-seven and forty-one, as established by this act shall be filled at a special election to be held prior to the 1967 regular session of the Florida legislature and to be called as provided by law at this extraordinary session.

The vote was:

Yeas—13

Deeb	Gunter	Slade	Young
Elrod	Haverfield	Stolzenburg	
Fincher	Johnson (37th)	Weissenborn	
Gong	Shevin	Wilson	

Nays—35

Mr. President	Covington	Gregory	Poston
Askew	Davis (5th)	Griffin	Ryan
Bafalis	Davis (27th)	Hollahan	Sayler
Barron	de la Parte	Horne	Spencer
Barrow	Edwards	Johnson (19th)	Spottswood
Boyd (15th)	Fisher	Knopke	Teague
Boyd (28th)	Friday	McCarty	Thomas
Broxson	Gibson	Mathews	Whitaker
Chiles	Greene	Ott	

Senator Davis (5th) offered the following amendment which failed:

In Section 1, line 4, page 4, strike: "First District—Escambia and Santa Rosa counties. Second District—Escambia and Santa Rosa counties. Third District—Okaloosa, Walton, Washington and Holmes counties. Fourth District—Bay and Jackson counties." and insert the following:

First District—Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Bay, Gulf and Washington counties.

Second District—Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Bay, Gulf and Washington counties.

Third District—Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Bay, Gulf and Washington counties.

Fourth District—Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Bay, Gulf and Washington counties.

Senator Davis (5th) also offered the following amendment which failed:

In Section 1, line 10, page 4, strike: "Gulf" and insert: Jackson.

The vote was:

Yeas—6

Covington	Gibson	Teague	Thomas
Davis (5th)	Horne		

Nays—41

Mr. President	de la Parte	Hollahan	Slade
Askew	Elrod	Johnson (19th)	Spencer
Bafalis	Fincher	Johnson (37th)	Spottswood
Barron	Fisher	Knopke	Stolzenburg
Barrow	Friday	McCarty	Weissenborn
Boyd (15th)	Gong	Mathews	Whitaker
Boyd (28th)	Greene	Ott	Wilson
Broxson	Gregory	Poston	Young
Chiles	Griffin	Ryan	
Davis (27th)	Gunter	Sayler	
Deeb	Haverfield	Shevin	

Senator Barrow filed three amendments to SB 8-X(67) and requested that the three be read concurrently as they were companion amendments. One of the amendments proposed to strike the enacting clause and insert a resolving clause.

A point of order was raised by Senator Friday on the amendment proposing to strike the enacting clause.

The Chair ruled the amendment was in order, but each amendment must be considered separately.

Senator Barrow offered the following amendment which failed:

Page 1, strike: All of the title and insert the following: A Concurrent Resolution suggesting alternative apportionment

modifications for the Florida legislature providing for the presentation to the court.

Senator Barrow also offered the following amendment which failed:

After Section 7, line (2), on page 10, add the following: Section (8) (1). Immediately upon the passage of this bill such action as is necessary by the Senate, including a petition to intervene in Swann vs. Adams will be taken to insure passage of an apportionment plan which is ultimately affirmed by the Supreme Court.

On motion of Senator Barrow, amendment 3 was withdrawn.

Senator Horne presiding.

Senator McCarty offered the following amendment which failed:

In Section 1 sub section 2, line 28, page 4, strike: "Twelfth District—Brevard, Indian River, Martin, Okeechobee and St. Lucie counties; provided that the senator from the twelfth district shall reside in a county other than Brevard." and insert the following: Twelfth District—Indian River, Martin, Okeechobee and St. Lucie counties.

On motion of Senator Chiles, the Senate reconsidered the vote by which the foregoing amendment failed. The vote was:

Yeas—24

Mr. President	Davis (27th)	Greene	McCarty
Barrow	Edwards	Gregory	Mathews
Boyd (15th)	Elrod	Griffin	Ryan
Chiles	Fincher	Horne	Stolzenburg
Covington	Gibson	Johnson (19th)	Teague
Davis (5th)	Gong	Johnson (37th)	Weissenborn

Nays—22

Askew	Fisher	Poston	Thomas
Bafalis	Friday	Sayler	Whitaker
Boyd (28th)	Gunter	Shevin	Wilson
Broxson	Hollahan	Slade	Young
Deeb	Knopke	Spencer	
de la Parte	Ott	Spottswood	

So the foregoing amendment was adopted.

The President presiding.

Senator McCarty also offered the following amendment which was adopted:

In Section 1(2), lines 7-10, page 6, strike: "Indian River, Martin, Okeechobee and St. Lucie counties; provided that the Senator from the thirty-seventh district shall reside in Brevard."

The vote was:

Yeas—28

Mr. President	Deeb	Greene	Mathews
Barrow	Edwards	Gregory	Ryan
Boyd (15th)	Elrod	Griffin	Sayler
Chiles	Fincher	Horne	Stolzenburg
Covington	Fisher	Johnson (19th)	Teague
Davis (5th)	Gibson	Johnson (37th)	Weissenborn
Davis (27th)	Gong	McCarty	Young

Nays—19

Askew	Friday	Ott	Spottswood
Bafalis	Gunter	Poston	Thomas
Boyd (28th)	Haverfield	Shevin	Whitaker
Broxson	Hollahan	Slade	Wilson
de la Parte	Knopke	Spencer	

Senator McCarty also offered the following amendment which was adopted:

In Section 3 (A), page 7, following the words "second, tenth" insert the following: twelfth

Senator McCarty also offered the following amendment which was adopted:

In Section 4 (C), page 8, strike: twelfth

Senator Boyd (15th) offered the following amendment which was adopted:

In subsection (4) (A), strike: period add comma and the following: inasmuch as the results of either the primary or the general elections in Osceola County would not have changed the district election results.

Senator Mathews offered the following amendment which was adopted:

In Section 3B, page 8, after the words "thirty-fifth" insert the following: thirty-seventh

Senator Mathews also offered the following amendment which was adopted:

In Section 4B, page 8, strike: "twenty-fifth and thirty-seventh" and insert the following: and twenty-fifth

Senator Weissenborn moved that the Senate reconsider the votes by which the Amendments offered by Senator McCarty were adopted.

Senator Boyd (28th) moved as a substitute motion that SB 8-X(67) be re-referred to an appropriate committee. The vote was:

Yeas—32

Bafalis	Fincher	Horne	Slade
Barron	Fisher	Johnson (19th)	Spencer
Boyd (28th)	Gong	Knopke	Spottswood
Broxson	Greene	Mathews	Stolzenburg
Chiles	Griffin	Ott	Thomas
Davis (5th)	Gunter	Poston	Weissenborn
Deeb	Haverfield	Ryan	Whitaker
de la Parte	Hollahan	Shevin	Young

Nays—16

Mr. President	Covington	Friday	McCarty
Askew	Davis (27th)	Gibson	Saylor
Barrow	Edwards	Gregory	Teague
Boyd (15th)	Elrod	Johnson (37th)	Wilson

The President's reference was the Committee on Apportionment, Resolutions and Memorials.

On motion of Senator Barron, the Senate resumed the consideration of SCR 10-X(67), together with pending amendment offered by Senator McCarty.

By unanimous consent, Senator McCarty withdrew the amendment.

Senator Johnson (19th) offered the following amendment which was adopted:

In Section 1, line 25, page 3, strike: "aquifer" and insert the following "aquifer".

Pending further consideration of SCR 10-X(67), on motion of Senator Whitaker, the rules were waived by two-thirds vote and the time of adjournment was extended until final action on SB 8-X(67).

On motion of Senator Boyd (28th), the Senate stood in informal recess at 4:50 P. M. until 7:05 P.M.

The President Pro Tempore presiding.

The following Senators were recorded present:

Mr. President	Deeb	Gunter	Saylor
Askew	de la Parte	Haverfield	Shevin
Bafalis	Edwards	Hollahan	Slade
Barron	Elrod	Horne	Spencer
Barrow	Fincher	Johnson (19th)	Spottswood
Boyd (15th)	Fisher	Johnson (37th)	Stolzenburg
Boyd (28th)	Friday	Knopke	Teague
Broxson	Gibson	McCarty	Thomas
Chiles	Gong	Mathews	Weissenborn
Covington	Greene	Ott	Whitaker
Davis (5th)	Gregory	Poston	Wilson
Davis (27th)	Griffin	Ryan	Young

48. A quorum present.

By permission the following report of Committee was received:

REPORT OF COMMITTEE

The Committee on Apportionment, Resolutions and Memorials recommends a committee substitute for the following:

SB 8-X(67)

The bill with committee substitute attached was placed on the Calendar.

SENATE BILLS ON SECOND READING

SB 8-X(67) was taken up, together with:

By the Committee on Apportionment, Resolutions and Memorials—

CS for SB 8-X(67)—A bill to be entitled An act amending chapter 66-1, laws of Florida; providing for the apportionment of the senate and the house of representatives of the legislature of the state of Florida; prescribing terms of office of membership of both houses; providing for continuation in office by members until the general election in November 1968; providing for elections; providing effective dates.

—which was read the first time by title.

On motion of Senator Mathews, CS for SB 8-X(67) was substituted for SB 8-X(67) and SB 8-X(67) was laid on the table.

On motion of Senator Mathews, the rules were waived by two-thirds vote and CS for SB 8-X(67) was read the second time by title.

Senator McCarty offered the following amendment which failed:

In Section 1 (2), line 10, page 5, strike: All in the paragraph after: Twelfth District—and insert the following: Indian River, Martin, Okeechobee and St. Lucie Counties.

The vote was:

Yeas—14

Mr. President	Covington	Gibson	McCarty
Barrow	Davis (27th)	Gregory	Ryan
Boyd (15th)	Edwards	Griffin	
Chiles	Fincher	Johnson (37th)	

Nays—34

Askew	Fisher	Knopke	Stolzenburg
Bafalis	Friday	Mathews	Teague
Barron	Gong	Ott	Thomas
Boyd (28th)	Greene	Poston	Weissenborn
Broxson	Gunter	Saylor	Whitaker
Davis (5th)	Haverfield	Shevin	Wilson
Deeb	Hollahan	Slade	Young
de la Parte	Horne	Spencer	
Elrod	Johnson (19th)	Spottswood	

Senators Horne, Davis (5th), Teague and Gibson offered the following amendment which was adopted on motion of Senator Horne:

In Section 1, line 2, page 5, strike: Eighth District—Alachua, Baker, Bradford, Calhoun, Clay, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Putnam, Suwannee, Taylor, Union and Wakulla counties. and insert the following: Eighth District—Alachua, Putnam and Union counties.

Senators Horne, Davis (5th), Teague and Gibson also offered the following amendment which was adopted on motion of Senator Horne:

In Section 1, line 26, page 4, strike: "Sixth District—Alachua, Baker, Bradford, Calhoun, Clay, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Putnam, Suwannee, Taylor, Union and Wakulla counties." and insert the following: Sixth District—Baker, Bradford, Clay, Columbia, Dixie, Gilchrist, Lafayette, Levy, Nassau and Taylor counties.

Senators Horne, Davis (5th), Teague and Gibson also offered the following amendment which was adopted on motion of Senator Horne:

In Section 1, line 21, page 4, strike: "Fifth District—Alachua, Baker, Bradford, Calhoun, Clay, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Putnam, Suwannee, Taylor, Union and Wakulla counties." and insert the following: Fifth District—Calhoun, Franklin, Gadsden, Gulf, Hamilton, Jefferson, Leon, Liberty, Madison, Suwannee and Wakulla counties.

Senators Horne, Davis (5th), Teague and Gibson also offered the following amendment which was adopted on motion of Senator Horne:

In Section 1, line 2, page 6, strike: "Twenty-Fifth—Alachua, Baker, Bradford, Calhoun, Clay, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Putnam, Suwannee, Taylor, Union and Wakulla counties." and insert the following: Twenty-Fifth District—Calhoun, Franklin, Gadsden, Gulf, Hamilton, Jefferson, Leon, Liberty, Madison, Suwannee and Wakulla counties.

On motion of Senator Mathews, the rules were waived by two-thirds vote and CS for SB 8-X(67), as amended, was read the third time in full and passed. The vote was:

Yeas—42

Mr. President	de la Parte	Hollahan	Spencer
Askew	Elrod	Horne	Spottswood
Bafalis	Fincher	Johnson (19th)	Stolzenburg
Barron	Fisher	Knopke	Teague
Barrow	Friday	Mathews	Thomas
Boyd (15th)	Gibson	Ott	Weissenborn
Boyd (28th)	Greene	Poston	Whitaker
Broxson	Gregory	Ryan	Wilson
Chiles	Griffin	Sayler	Young
Davis (5th)	Gunter	Shevin	
Deeb	Haverfield	Slade	

Nays—6

Covington	Edwards	Johnson (37th)	McCarty
Davis (27th)	Gong		

On motion of Senator Mathews, the rules were waived by two-thirds vote and CS for SB 8-X(67) was ordered certified to the House immediately, after being engrossed.

On motion of Senator Barron, the Senate resumed the consideration of SCR 10-X(67), together with pending amendment offered by Senator Covington.

By unanimous consent, Senator Covington withdrew the amendment.

**Senator Ryan presiding.**

On motion of Senator Barron, the rules were waived by two-thirds vote, SCR 10-X(67), as amended, was read the second time in full and adopted. The vote was:

Yeas—43. Nays—None.

Mr. President	Barron	Broxson	Davis (5th)
Askew	Barrow	Chiles	Davis (27th)
Bafalis	Boyd (15th)	Covington	Deeb

Elrod	Griffin	Ott	Stolzenburg
Fincher	Gunter	Poston	Teague
Fisher	Haverfield	Ryan	Thomas
Friday	Hollahan	Sayler	Weissenborn
Gibson	Johnson (19th)	Shevin	Whitaker
Gong	Johnson (37th)	Slade	Wilson
Greene	Knopke	Spencer	Young
Gregory	McCarty	Spottswood	

On motion of Senator Barron, the rules were waived by two-thirds vote and SCR 10-X(67) was ordered certified to the House immediately, after being engrossed.

**The President presiding.**

On motion of Senator Boyd (28th), the rules were waived by two-thirds vote and the Senate reverted to the consideration of a Message from the House of Representatives.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message was read:

*The Honorable Verle A. Pope*  
*President of the Senate*

January 17, 1967

*Sir:*

I am directed to inform the Senate that the House of Representatives has passed—

By the Select Committee on Apportionment—

HB 8-X(67)—A bill to be entitled An act to provide for the apportionment of the membership of the senate and the house of representatives of the legislature of the state of Florida; prescribing terms of office of members of both houses; providing for continuance in office by members until the general election in November, 1968; providing for elections; providing effective dates.

—and requests the concurrence of the Senate therein.

Respectfully,  
**ALLEN MORRIS**  
Clerk, House of Representatives

HB 8-X(67), contained in the above message, was read the first time by title and referred to the Committee on Apportionment, Resolutions and Memorials.

By permission the following report was received:

#### ENGROSSING REPORT

Your Engrossing Clerk to whom was referred—

CS for SB 8-X(67) with 4 amendments

—reports that the Senate amendments have been incorporated and the bill is returned herewith.

**EDWIN G. FRASER**  
Secretary of the Senate

The bill was certified to the House immediately.

On motion of Senator Whitaker, the Senate stood adjourned at 7:40 P. M. until 11:00 A. M., January 18, 1967.