



Journal of the Senate

Number 1—Special Session C

Friday, March 26, 1982

At a Special Session of the Florida Legislature convened under Article III, Section 16, of the Constitution of the State, as revised in 1968, begun and held at the Capitol, in the City of Tallahassee, in the State of Florida.

The Senate was called to order by the President at 10:00 a.m. A quorum present—39:

Mr. President	Grizzle	Margolis	Skinner
Anderson	Hair	Maxwell	Steinberg
Barron	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenkins	Neal	Thomas
Childers, D.	Jenne	Peterson	Tobiassen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gersten	Langley	Renick	Ware
Gordon	Lewis	Scott	

Excused: Senator Jennings

Prayer by Senator Peterson:

Gracious Father, as we approach you this morning, we find ourselves in difficult times. Some of us feel that maybe these difficult times are not of our own making. But being human, we must approach you so that you can guide us and direct us in the right way; so that we who have created problems or we who may not have helped solve problems, can find the way out. We ask your guidance and directions and your blessings to continue as they have throughout all our lives. We ask this in thy name. Amen.

The Senate pledged allegiance to the flag of the United States of America.

By direction of the President, the Proclamation of the Governor convening the Legislature in Special Session was read:

PROCLAMATION

State of Florida
Executive Department
Tallahassee

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND THE HOUSE OF REPRESENTATIVES:

WHEREAS, the Legislature of the State of Florida convened in Regular Session for the year 1982 on January 18, 1982, and

WHEREAS, the Legislature on March 18, 1982 extended the Regular Session and has adjourned sine die March 25, 1982, and

WHEREAS, the Legislature, during the Regular Session of 1982 and the extension thereof, failed to apportion the State as required by Article III, Section 16 of the Florida Constitution, and

WHEREAS, IT IS MY DUTY AS Governor under Article III, Section 16 of the Florida Constitution to reconvene the Legislature in Special Apportionment Session,

NOW, THEREFORE, I, BOB GRAHAM, as Governor of the State of Florida, in obedience to my constitutional duty and by virtue of the power and authority vested in me by Article III, Section 16 of the Florida Constitution, do hereby proclaim as follows:

Section 1.

That the Legislature of the State of Florida be and is hereby convened in Special Apportionment Session pursuant to Article III, Section 16 of the Florida Constitution, commencing at 10:00 a.m., Friday, March 26, 1982 and extending through noon, March 29, 1982.

Section 2.

That, pursuant to Article III, Section 16 of the Florida Constitution, no other business than apportionment shall be considered at this Special Apportionment Session and it shall be the mandatory duty of the Legislature to adopt a joint resolution of apportionment.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed to this Proclamation convening the Legislature in special apportionment session, at the Capitol, this 25th day of March 1982.

BOB GRAHAM
Governor

ATTEST:

GEORGE FIRESTONE
Secretary of State

On motion by Senator Barron, the Senate stood in informal recess at 10:43 a.m. awaiting the call of the President. The Senate was called to order by the President at 11:06 a.m. A quorum present.

INTRODUCTION AND REFERENCE OF BILLS

By Senators Barron, Gordon, Thomas, Kirkpatrick, Peterson, Stuart, Poole, Maxwell, Ware, Grizzle, Beard, Scott, McClain, Hill, Margolis, Renick, Stevens, Lewis, Langley, Trask, Vogt and Skinner—

SJR 1-C—A joint resolution of apportionment; providing for the reapportionment of the Legislature; providing definitions; prescribing the state policy followed in such reapportionment; prescribing senatorial and representative districts; providing for omitted areas; maintaining staggered terms in the Senate and preserving the continuity of the Senate; providing for filling vacancies in the Senate; providing an effective date.

—was read the first time by title and referred to the Committee on Apportionment.

On motions by Senator Barron, by two-thirds vote SJR 1-C was withdrawn from the Committee on Apportionment and taken up instanter.

On motion by Senator Barron, by two-thirds vote SJR 1-C was read the second time by title.

Senator Barron moved the following amendment which was adopted:

Amendment 1—On page 12, line 19, before "120" insert: not less than 80 nor more than

Senator Hair moved the following amendment which failed:

Amendment 2—On page 4, strike lines 4-21 and insert:

(7) DISTRICT 7 is composed of Nassau County; and that part of Duval County included in census tracts 1, 1.99, 2, 2.99, 3, 4, 5, 10, 10.99, 11, 12, 13, 14, 15, 16, 17, 25, 26, 27, 28, 29, 101, 102.01, 102.02, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119.01, 121, 136, and 137.01 of census county division 035.

(8) DISTRICT 8 is composed of Clay County; and that part of Duval County included in census tracts 6, 7, 8, 9, 18, 19, 20, 21, 22, 23, 24, 119.02, 120, 122, 123, 124, 125, 126.01, 126.02, 127, 128, 129, 130, 131, 132, 133, 134.01, 134.02, 135.01, 135.02, 137.02, 157, 161, 162, 163, 164, 165, 166.01, and 166.02 of census county division 035.

(9) DISTRICT 9 is composed of Flagler and St. Johns Counties; and that part of Duval County included in census tracts 138, 138.99, 139.01, 139.02, 139.03, 140, 141, 142, 143.01, 143.02, 144, 145, 146, 147, 148, 149.01, 149.02, 150.01, 150.02, 151, 152, 153, 154, 155, 156, 158.01, 158.02, 159.01, 159.02, 160, 167.01, 167.02, and 168 of census county division 035.

On motion by Senator Barron, by two-thirds vote SJR 1-C as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Mr. President	Grizzle	Margolis	Stevens
Anderson	Henderson	Maxwell	Stuart
Barron	Hill	McKnight	Thomas
Beard	Jenkins	Neal	Tobiassen
Carlucci	Jenne	Peterson	Trask
Childers, D.	Johnston	Poole	Vogt
Frank	Kirkpatrick	Rehm	Ware
Gersten	Langley	Scott	
Gordon	Lewis	Skinner	

Nays—4

Dunn	Hair	Renick	Steinberg
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On motion by Senator Dunn, the Senate recessed at 11:44 a.m. to reconvene at 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:11 p.m. A quorum present—38:

Mr. President	Grizzle	Margolis	Steinberg
Anderson	Hair	Maxwell	Stevens
Barron	Henderson	McClain	Stuart
Beard	Hill	McKnight	Thomas
Carlucci	Jenkins	Neal	Tobiassen
Childers, D.	Jenne	Poole	Trask
Dunn	Johnston	Rehm	Vogt
Frank	Kirkpatrick	Renick	Ware
Gersten	Langley	Scott	
Gordon	Lewis	Skinner	

Senator Dunn moved that the rules be waived and the conferees on SJR 1-C be appointed prior to receipt of the joint resolution with House amendments from the House of Representatives. The motion was adopted.

The President appointed the following conferees on SJR 1-C: Senator Barron, chairman; Senators Beard, Gersten, Gordon, Grizzle, Henderson, Jenkins, Johnston, Kirkpatrick, Lewis, Margolis, Maxwell, Scott and Vogt.

On motion by Senator Dunn, the Senate recessed at 1:16 p.m., awaiting the call of the President.

The Florida Supreme Court ruled on March 27 that the Governor had no authority to limit the apportionment session to less than thirty consecutive days and the call of the Governor made on March 25 for three days was therefore invalid.

The Senate was called to order by the President at 5:00 p.m. A quorum present—38:

Mr. President	Grizzle	Maxwell	Steinberg
Anderson	Hair	McClain	Stevens
Barron	Henderson	McKnight	Stuart
Beard	Hill	Neal	Thomas
Carlucci	Jenne	Peterson	Tobiassen
Childers, D.	Johnston	Poole	Trask
Dunn	Kirkpatrick	Rehm	Vogt
Frank	Langley	Renick	Ware
Gersten	Lewis	Scott	
Gordon	Margolis	Skinner	

Without objection, the following resolution was introduced:

By Senators Barron, Tobiassen, W. D. Childers, Carlucci, D. Childers, Scott, Trask, Peterson, Lewis, Margolis, Kirkpatrick, Skinner, Henderson, Gordon, Maxwell, Vogt, Thomas, Stevens and McClain—

SR 2-C—A resolution authorizing attorneys to contest the right of the Governor to limit the length of a special apportionment session.

Be It Resolved by the Senate of the State of Florida:

That Beckham & McAliley and Neal P. Rutledge are hereby authorized to represent the Florida Senate in legal proceedings to test the validity of the Governor's Proclamation of March 25, 1982, which called the special apportionment session and which purported to limit the session to 3 days and 2 hours, and such attorneys may take such other legal action in regard to that matter as may be appropriate.

—was read the first time by title. On motion by Senator Barron, the rules were waived and SR 2-C was read the second time in full and adopted. The vote on adoption was:

Yeas—27

Mr. President	Henderson	McClain	Stevens
Barron	Hill	Neal	Thomas
Beard	Kirkpatrick	Peterson	Tobiassen
Carlucci	Langley	Rehm	Trask
Gersten	Lewis	Renick	Vogt
Gordon	Margolis	Scott	Ware
Grizzle	Maxwell	Skinner	

Nays—6

Dunn	Jenne	Steinberg	Stuart
Frank	McKnight		

Vote after roll call:

Yea—Anderson

On motion by Senator Dunn, the Senate recessed at 5:51 p.m.

The Senate was in recess until 12:00 noon, March 29, the time set forth in the Proclamation of the Governor for adjournment of the special session.