

JOURNAL OF THE FLORIDA SENATE

Friday, April 18, 1975

The Senate was called to order by the President at 9:00 a.m.
A quorum present—40:

Mr. President	Graham	Myers	Stolzenburg
Brantley	Hair	Peterson	Thomas (30th)
Childers (28th)	Henderson	Plante	Thomas (4th)
Childers (1st)	Holloway	Poston	Tobiassen
Deeb	Johnston	Renick	Trask
Dunn	Lane (31st)	Saunders	Vogt
Firestone	Lane (23rd)	Saylor	Ware
Gallen	Lewis	Scarborough	Wilson
Glisson	MacKay	Sims	Winn
Gordon	McClain	Spicola	Zinkil

Excused: Senator Ware at 10:45 a.m., Senator Wilson at 12:00 noon.

Prayer by the Senate Chaplain:

For every blessing of life: of family, of human fellowship, of service to others, of purposeful endeavor in government, we thank you our God.

For every inspiration of heart, for every inspiration of nature, for every manifestation of wisdom, we thank you our God.

For every success, for every maturing failure, for your understanding grace and mercy toward us in all of these things, we thank you our God. Amen.

REPORTS OF COMMITTEES

The Committee on Judiciary-Criminal recommends the following pass: SB 262 with 2 amendments

The Committee on Judiciary-Civil recommends the following pass: SB 186

The Committee on Natural Resources and Conservation recommends the following pass: SB 308 with 1 amendment

The Committee on Transportation recommends the following pass: SB 188 with 5 amendments

The bills contained in the foregoing reports were referred to the Committee on Governmental Operations under the original reference.

The Committee on Agriculture recommends the following pass: SB 209 with 2 amendments

The Committee on Education recommends the following pass: SB 265 with 2 amendments

The Committee on Governmental Operations recommends the following pass: SB 177 with 1 amendment, SB 257

The Committee on Health and Rehabilitative Services recommends the following pass:

SB 92 with 2 amendments SB 284 with 1 amendment

The Committee on Natural Resources and Conservation recommends the following pass: SB 320

The Committee on Transportation recommends the following pass: SB 275 with 2 amendments, SB 331

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Judiciary-Civil recommends the following pass: SB 206

The Committee on Governmental Operations recommends the following pass:

SB 318 SB 59 SB 152

The Committee on Transportation recommends the following pass: SB 325

The bills contained in the foregoing reports were referred to the Committee on Commerce under the original reference.

The Committee on Health and Rehabilitative Services recommends the following pass: SB 100

The bill was referred to the Committee on Education under the original reference.

The Committee on Transportation recommends the following pass: SB 239 with 1 amendment, SB 330

The bill was referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Education recommends the following pass: SB 250 with 3 amendments SB 83 with 3 amendments SB 259

The Committee on Judiciary-Civil recommends the following pass:

SB 201 with 3 amendments SB 199 with 3 amendments

The Committee on Judiciary-Criminal recommends the following pass: SB 192 with 1 amendment

The Committee on Governmental Operations recommends the following pass:

SB 87 with 1 amendment SB 155 with 2 amendments SB 61

The Committee on Transportation recommends the following pass: SB 296

The Committee on Ways and Means recommends the following pass: SB 31 with 2 amendments

The Committee on Natural Resources and Conservation recommends the following pass:

SB 95 SB 121 with 2 amendments SB 184 with 2 amendments

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Judiciary-Civil recommends a Committee Substitute for the following: SB 176

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 146

The bills with Committee Substitutes attached contained in the foregoing reports were referred to the Committee on Commerce under the original reference.

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 139

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 105

The Committee on Commerce recommends a Committee Substitute for the following: SB 276

The Committee on Commerce recommends a Committee Substitute for the following: SB 200

The Committee on Judiciary-Civil recommends a Committee Substitute for the following: SB 202

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 314

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the Committee Substitute as offered by the Committee on Governmental Operations for the following: SB 123

The bills with Committee Substitutes attached contained in the foregoing reports were placed on the calendar.

The Committee on Natural Resources and Conservation recommends the following not pass: SB 5

The Committee on Governmental Operations recommends the following not pass: SB 222

The Committee on Judiciary-Civil recommends the following not pass: SB 33, SB 70

The bills contained in the foregoing reports were laid on the table.

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order Calendar for Friday, April 18, 1975:

CS for CS for SB 123	SB 19
SB 139	SB 122
SB 138	SB 15
SB 2	

*Respectfully submitted,
Lew Brantley, Chairman*

BILLS REFERRED TO SUBCOMMITTEE OR SELECT COMMITTEE

Select Subcommittee on Legislation Relating to Juveniles: Senate Bills 134, 371, 377, 380, 381 and any other legislation received in this committee relating to juvenile legislation or youth services, etc. (Time to report to Committee on Judiciary-Criminal not limited)

ENGROSSING REPORTS

Your Engrossing Clerk has incorporated amendments to—

CS for SB 181	SB 55
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Joe Brown, Secretary

The bills were immediately certified to the House.

Your Engrossing Clerk has incorporated amendments to CS for SB 169.

Joe Brown, Secretary

The bill was certified to the House.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Holloway, by two-thirds vote SB 64 was withdrawn from the Committee on Ways and Means and placed on the calendar.

On motion by Senator Thomas (30th), by two-thirds vote SB 278 was withdrawn from the Committees on Health and Rehabilitative Services and Ways and Means and indefinitely postponed.

REQUEST FOR EXTENSION OF TIME

The Committee on Transportation requests an extension of 15 days for the consideration of the following:

SB 115 by Senator Stolzenburg	SB 253 by Senator Peterson
SB 171 by Senator Hair	SB 261 by Committee on Transportation
SB 220 by Senator Gallen	SB 272 by Senator Brantley

Appointment of Select Committee

The President announced the appointment of Senators Brantley, Dunn and Ware as a select committee to investigate allegations concerning the Florida Department of Criminal Law Enforcement.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

By direction of the President, the following communications were read:

Honorable Dempsey J. Barron
President, The Florida Senate
The Capitol

April 17, 1975

Dear Mr. President:

This is to advise that I have appointed Mr. William Edward Burleigh as a member of the Oklawaha River Basin Water Management Board for a term ending June 30, 1977.

It would be appreciated if the Senate would take up the confirmation of this appointment during the current session of the Florida Legislature.

Sincerely,
REUBIN ASKEW
Governor

Honorable Dempsey J. Barron
President, The Florida Senate
The Capitol

April 15, 1975

Dear Mr. President:

This is to advise that I have appointed Mr. Frank Pierce as a member of the Pinellas County Transportation Authority to serve during the pleasure of the Governor.

It would be appreciated if the Senate would take up the confirmation of this appointment during the current session of the Florida Legislature.

Sincerely,
REUBIN ASKEW
Governor

—which were referred to the Select Committee on Executive Suspensions.

The certificates from the Secretary of State, as published in the Senate Journal of April 11, 1975, listing names of persons for whom commissions have been prepared and which are subject to confirmation by the Senate were read to the Senate and referred to committees as shown in the aforementioned journal.

In pursuance of the requirement of Chapter 940.01 (3), Florida Statutes, the Governor transmitted a report covering every case of fine or forfeiture remitted, reprieve, restoration of civil rights, pardon or commutation granted, stating the name of the convict, the crime for which he was convicted, the sentence, its date, and the date of its remission, restoration of civil rights, commutation, pardon, or reprieve, since report to the Legislature April 19, 1974.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President April 11, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended, HB 782, and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Growth & Energy and Representative Nelson and others—

HB 782—A bill to be entitled An act relating to growth management; expressing intent, scope, and purpose; defining terms; requiring counties, municipalities, and certain other units of local government to prepare and adopt comprehensive plans to guide future development; providing for the establishment of local land planning agencies to prepare and recommend comprehensive plans to governing bodies; establishing

required and optional elements of a comprehensive plan; requiring public participation in the planning process; providing procedures for adoption and amendment of adopted comprehensive plans; requiring periodic evaluation and appraisal of adopted comprehensive plans; establishing the legal status and effect of adopted comprehensive plans and the status and effect of prior adopted comprehensive plans; relating adopted comprehensive plans to exercise of land regulatory authority; providing for the status of adopted comprehensive plans in judicial proceedings; providing for cooperation by certain state and regional agencies; establishing Technical Advisory Committees; providing for severability; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

SPECIAL ORDER

SB 123 and CS for SB 123 by the Committee on Governmental Operations were taken up, together with:

By the Committee on Natural Resources and Conservation—

CS for CS for SB 123—A bill to be entitled An act relating to environmental reorganization; providing a declaration of policy; defining terms; creating the Department of Environmental Regulation; creating five environmental districts and authority for subdistricts; creating the Environmental Regulation Commission and review of the decisions of the commission by the governor and cabinet; providing for appeals under chapter 253 to the governor and cabinet; providing for the governor and cabinet to perform the duties of the Department of Pollution Control Board under the Florida Electrical Power Plant Siting Act; providing for exemption of certain activities from state regulation or standard permitting procedures; transferring the Department of Pollution Control to the Department of Environmental Regulation except for certain powers, duties and functions vested in the governor and cabinet and relating to open burning; transferring certain powers, duties and functions of the Department of Health and Rehabilitative Services to the Department of Environmental Regulation and providing for interagency agreements with county health units; transferring certain powers, duties and functions of the Board of Trustees of the Internal Improvement Trust Fund to the Department of Environmental Regulation; transferring certain powers, duties and functions of the Department of Natural Resources to the Department of Environmental Regulation; prescribing certain planning functions; creating divisions of the Department of Natural Resources; merging the Board of Trustees of the Internal Improvement Trust Fund into the Department of Natural Resources except for certain powers, duties and functions relating to trademarks, copyrights and patents; transferring the powers, duties and functions of the Department of Health and Rehabilitative Services relating to shellfish to the Department of Natural Resources; transferring certain powers, duties and functions of the Department of Natural Resources relating to boat registration to the Department of Highway Safety and Motor Vehicles; abolishing the Coastal Coordinating Council and reassigning its powers, duties and functions to the Division of Resource Management of the Department of Natural Resources; providing authority for the alignment of units and functions of the Department of Environmental Regulation and the Department of Natural Resources below the division level; requiring reports to the legislature; providing for cooperation among affected agencies; providing for nonabrogation of rules and legal or administrative proceedings; directing the Division of Statutory Revision and Indexing to perform certain tasks; repealing s.20.25(17), Florida Statutes, relating to the functions of the Game and Fresh Water Fish Commission; repealing s.20.26, Florida Statutes, relating to the creation of the Department of Pollution Control; repealing s.253.136, Florida Statutes, relating to the rules for permitting procedures of the Board of Trustees of the Internal Improvement Trust Fund; repealing s.253.122, Florida Statutes, relating to the fixing of bulkheads; repealing s.20.77, Florida Statutes, 1974 Supplement, relating to the creation and renaming of the Board of Trustees of the Internal Improvement Trust Fund; providing for severability; providing an effective date.

—which was read the first time by title and SB 123 and CS for SB 123 were laid on the table.

On motion by Senator Lewis, the rules were waived and staff members of the Committee on Natural Resources and Conservation were granted privileges of the floor.

Senator Holloway presiding

On motion by Senator Lewis, by two-thirds vote CS for CS for SB 123 was read the second time by title.

Senator McClain moved the following amendment which failed:

Amendment 1—On page 7, lines 5-7, strike “The governor shall appoint the chairman, and the vice-chairman shall be elected from among the membership.” and insert: The governor shall appoint one member from each of the environmental districts, and the Chairman and the vice-chairman shall be appointed at-large.

The President presiding

Senator Spicola moved the following amendments which were adopted:

Amendment 2—On page 21, line 4, strike “, in effect as of the effective date of this act,”

Amendment 3—On page 14, lines 8-11, strike “(4) The exemptions and exclusions set forth in this section shall not be construed to eliminate the necessity for obtaining any applicable permit for use of publicly owned lands and facilities.”

Senator Lewis moved the following amendment which was adopted:

Amendment 4—On page 21, lines 14-17, strike “(3) Neither the Department of Environmental Regulation or the Department of Natural Resources shall adopt any rule or regulation which affects or alters rights vested pursuant to chapter 380, Florida Statutes.” and insert: (3) Nothing in this act shall alter or affect rights previously vested under chapter 380, Florida Statutes.

Senator Spicola moved the following amendments which were adopted:

Amendment 5—On page 7, lines 18-21, strike “Section 5. Powers and duties of the Department of Environmental Regulation.—

(1) Duties of the governor and cabinet.—

(a)” and on line 18 insert: Section 5. (1)

Amendment 6—On page 8, line 3, strike “(b)” and insert: (2)

Amendment 7—On page 8, lines 11-12, strike “(2) Duties of the Commission.—

(a)” and insert: Section 6. Duties of the Department of Environmental Regulation.—(1)

Renumber subsequent subsections and sections.

Amendment 8—On page 8, lines 13-14 after the word “All” strike “standards set or reviewed by” and insert after the word “All”: final actions of

Amendment 9—On page 8, lines 20-21, strike “or modify” and insert: modify, or remand for further proceedings

Amendment 10—On page 9, between lines 24 and 25, insert: (e) The Environmental Regulation Commission shall have final state approval on applications for and disbursement of federal grants.

Senator Myers moved the following amendment which was adopted:

Amendment 11—On page 11, line 7, strike the period and insert after the word “Permitting”: , and those applications assigned by inter-agency agreement as provided in this act.

Senator Spicola moved the following amendments which were adopted:

Amendment 12—On page 11, line 31, insert after the word "of": permits for

Amendment 13—Line 31 on page 11 and line 1 on page 12, after the word "activities", strike "from the department's standard permitting procedures"

Senator Scarborough presiding

Senator Myers moved the following amendment which failed:

Amendment 14—On page 12, between lines 15 and 16, insert new paragraphs (f) and (g) to read: (f) Seawalls restored at their previous location or upland of, or within 1 foot water-ward of their previous location; and

(g) The maintenance dredging of existing man-made canals, channels and intake and discharge structures where the spoil material is to be removed and deposited on a self-contained, upland spoil site which will prevent the escape of the spoil material into the waters of the state; provided that no more dredging is to be performed than is necessary to restore the canal, channels and intake and discharge structures to its original design specifications.

Senators Lewis, Poston, Brantley and Hair offered the following amendment which was moved by Senator Lewis:

Amendment 15—On page 12, between lines 15 and 16, insert: (f) The performance for 10 years from the issuance of the original permit of maintenance dredging of permitted navigation channels, port harbors, turning basins and harbor berths. No fee shall be charged for material removed in such maintenance dredging.

Senator Sayler moved the following amendment to the amendment which failed:

Amendment 15A—On page 1, line 5, strike the period and insert: provided such material is deposited on governmentally owned land.

Amendment 15 was adopted.

Senator Spicola moved the following amendments which were adopted:

Amendment 16—On page 13, line 11, insert after the word "existing": permitted

Amendment 17—On page 13, line 18, strike "its"

Senator Lewis moved the following amendment which was adopted:

Amendment 18—On page 13, line 18, strike ";" and insert: No fee shall be charged for material removed in such maintenance dredging;

Senator Spicola moved the following amendments which were adopted:

Amendment 19—On page 14, line 25, insert after the word "Services": not transferred elsewhere by this act,

Amendment 20—On page 16, line 5, strike "and licenses and exemptions" and insert: licenses, exemptions and enforcement

The President presiding

Senator Henderson moved the following amendments which were adopted:

Amendment 21—On page 17, line 28, insert after "shall": develop plans and

Amendment 22—On page 19, line 15, insert after "duties": staff,

Senator Spicola moved the following amendment which was adopted:

Amendment 23—On page 19, between lines 14 and 15, insert: Section 16. (1) The powers, duties and functions of the Bureau of Waterways of the Department of Natural Resources are transferred by a type four transfer as defined in s.20.06(4), Florida Statutes, to the Department of Transportation.

(2) The powers, duties and functions of the Division of Interior Resources of the Department of Natural Resources relating to navigation districts and waterways development are transferred by a type four transfer as defined in s.20.06(4), Florida Statutes, to the Department of Transportation.

(3) The Canal Authority of the State of Florida created by s.374.011, Florida Statutes, is transferred by a type one transfer as defined in s.20.06(1), Florida Statutes, to the Department of Transportation.

(Renumber subsequent sections)

Senator Graham moved the following amendments which were adopted:

Amendment 24—On page 9, line 24, after the period insert: Such review shall be appellate in nature; however, the governor and cabinet may, at their discretion, take additional testimony. Hearings shall be in accordance with the formal proceedings of the Administrative Procedure Act.

Amendment 25—On page 10, strike lines 2—7 and insert: district managers; provided, for projects qualifying as developments of regional impact pursuant to Chapter 380, Florida Statutes, and Chapter 22F-2, Florida Administrative Code, the Secretary and the Tallahassee office shall perform all the duties relating to the granting, modification or denial of permits under Chapters 253 and 403, Florida Statutes, subject to the appeals provision and Section 5 of this act.

Senator Graham moved the following amendment:

Amendment 26—On page 10, line 20, strike "; processing of permits" and strike all of lines 21 and 22 and on line 23 strike "authority has been assigned to the department;"

On motion by Senator Graham, further consideration of the amendment was deferred.

Senator Graham moved the following amendment:

Amendment 27—On page 12, line 2, strike "but shall not be limited to"

Amendment 27 was adopted by the following vote:

Yeas—19

Childers (28th)	Graham	Lane (23rd)	Renick
Dunn	Hair	MacKay	Thomas (4th)
Firestone	Henderson	McClain	Tobiassen
Glisson	Holloway	Myers	Wilson
Gordon	Johnston	Poston	

Nays—12

Mr. President	Lewis	Sims	Trask
Brantley	Peterson	Spicola	Vogt
Gallen	Plante	Thomas (30th)	Zinkil

Senator Graham moved the following amendment:

Amendment 28—On page 14, strike lines 2-7

Amendment 28 failed by the following vote:

Yeas—15

Childers (28th)	Graham	MacKay	Vogt
Dunn	Henderson	Myers	Wilson
Firestone	Holloway	Poston	Winn
Gordon	Johnston	Renick	

Nays—16

Mr. President	Gallen	Peterson	Spicola
Brantley	Glisson	Plante	Thomas (4th)
Childers (1st)	Hair	Scarborough	Tobiassen
Deeb	Lewis	Sims	Zinkil

On motion by Senator Thomas (4th) the Senate reconsidered the vote by which Amendment 27 was adopted. The vote was:

Yeas—23

Mr. President	Glisson	Poston	Thomas (30th)
Brantley	Hair	Saunders	Thomas (4th)
Childers (28th)	Lewis	Sayler	Tobiassen
Childers (1st)	McClain	Scarborough	Trask
Deeb	Peterson	Sims	Zinkil
Dunn	Plante	Spicola	

Nays—13

Firestone	Holloway	Myers	Winn
Gordon	Johnston	Renick	
Graham	Lane (31st)	Stolzenburg	
Henderson	MacKay	Vogt	

By unanimous consent Senator Wilson was recorded as voting nay.

On motion by Senator Graham, further consideration of the amendment was deferred.

Senator Zinkil moved that the Senate reconsider the vote by which Amendment 28 failed. The motion failed by the following vote:

Yeas—15

Dunn	Henderson	MacKay	Vogt
Firestone	Holloway	Myers	Wilson
Gordon	Johnston	Renick	Winn
Graham	Lane (31st)	Sayler	

Nays—21

Mr. President	Glisson	Saunders	Tobiassen
Brantley	Hair	Scarborough	Trask
Childers (28th)	Lewis	Sims	Zinkil
Childers (1st)	McClain	Spicola	
Deeb	Peterson	Thomas (30th)	
Gallen	Poston	Thomas (4th)	

Amendment 29 was withdrawn.

Senator Graham moved the following substitute amendment for amendment 26 which was adopted:

Amendment 30—On page 10, strike lines 20 through 23 and insert: part II, chapter 403, Florida Statutes; and processing

Senator Myers moved the following amendment which was adopted:

Amendment 31—On page 13 strike lines 10 and 11 and insert: original permit granted prior to July 1, 1975, of maintenance dredging of existing

Senator Gordon moved the following amendment which was adopted:

Amendment 32—On page 12, line 2, strike "but shall not be limited to the following:" and insert: and any others established by rule under the Administrative Procedure Act:

Senator Spicola moved the following title amendments which were adopted:

Amendment 33—On page 2, line 19, insert after the word "Vehicles;": transferring certain powers, duties and functions of the Bureau of Waterways of the Department of Natural Resources to the Department of Transportation; transferring certain powers, duties and functions of the Division of Interior Resources of the Department of Natural Resources relating to navigation districts and waterways development to the Department of Transportation; transferring the Canal Authority of Florida to the Department of Transportation;

Amendment 34—On page 1, lines 18 and 19, strike "or standard permitting procedures"

Amendment 35—On page 2, line 21, after "duties" insert: , staff

Amendment 27 was withdrawn.

On motion by Senator Lewis, by two-thirds vote CS for CS for SB 123 as amended was read the third time by title.

Senator Brantley moved that time of adjournment be extended until final action on CS for CS for SB 123. The motion was adopted by two-thirds vote.

Senator Plante moved that CS for CS for SB 123 be deferred and retain its place on Special Order Calendar. The motion failed.

Senator Brantley presiding

The President presiding

Senators Myers, Vogt and Sayler offered the following amendment which was moved by Senator Myers:

Amendment 36—On page 13, after line 18, strike "No fee shall be charged for material removed in such maintenance dredging" and insert: No fee shall be charged to any governmental agency for the actual procedure of removing material or depositing same in such maintenance dredging. However nothing herein shall prohibit the sale of such material removed.

Senator Peterson announced that the Committee on Agriculture would not meet Monday, April 21, at 10:30 a.m. as scheduled.

The Journals of April 15 and 14 were corrected and approved.

CO-INTRODUCERS

Senator Zinkil was recorded as a co-introducer of Senate Bills 55 and 152, Senator Winn as a co-introducer of SB 233, Senator Brantley as a co-introducer of SB 51, Senator Lane (23rd) as a co-introducer of SB 275, Senator Holloway as a co-introducer of CS for SB 230, Senator Sayler as a co-introducer of SJR 256 and SB 53, Senator Poston as a co-introducer of Senate Bills 233 and 326, Senators Renick and MacKay as co-introducers of SB 337, Senator Lane (31st) as a co-introducer of SB 440, Senator Hair as a co-introducer of SB 72, Senator Renick as a co-introducer of Senate Bills 319, 322, 396, 277 and 284; Senator Vogt as a co-introducer of SB 382, Senator Gordon as a co-introducer of SB 233, Senator Deeb as a co-introducer of SJR 270 and SB 271 and Senator Thomas (4th) as co-introducer of SB 177.

The Senate adjourned at 12:27 p.m. to convene at 8:30 a.m., April 21, 1975 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 1:00 p.m.