

JOURNAL OF THE FLORIDA SENATE

Friday, April 25, 1975

The Senate was called to order by the President at 9:00 a.m.
A quorum present—39:

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	Zinkil
Gordon	McClain	Spicola	

Excused: Senator Winn

The Senate chaplain introduced Bishop Joel D. McDavid, who administers the work of the United Methodist Church's Florida Conference, and he delivered the following prayer:

Eternal God, as we walk in green pastures, beside still waters, through busy streets, and in depressed places walk thou with us. Be thou our guide. Help us to be pilgrims who travel in confidence. Be our interpreter that we should see and understand what our eyes behold. Be our inspiration that restlessness may grip our souls in the presence of need. Give to each of us a sense of personal integrity and a great concern for others.

We confess our secret sins and failures that cause us to mistrust ourselves and one another. Forgive us we pray. Make us to be good servants of thine as we seek to serve this state and nation. Use our talents, insights, and efforts for thy glory. Help us to reflect thy image in all we do, and may the corporate efforts of those who sit in this chamber redound to thy glory.

Before we begin this day's work, our Father, we thank thee for thy care—loving kindness and tender mercies that continue to follow us. Thou art our source of strength and help. With full voice and glad heart we praise thee. In the name of the creator and sustainer of us all. Amen.

REPORTS OF COMMITTEES

The Committee on Governmental Operations recommends the following pass:

SB 263 with 1 amendment HB 782 with 2 amendments
SB 356

The Committee on Judiciary-Civil recommends the following pass: SB 394 with 3 amendments

The Committee on Commerce recommends the following pass:

SB 4 SB 391
SB 52 with 2 amendments SB 425 with 2 amendments
SB 175 with 2 amendments

The Committee on Transportation recommends the following pass: SB 272 with 2 amendments

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

The Committee on Governmental Operations recommends the following pass:

SB 309 with 3 amendments SB 313 with 1 amendment

The bills were referred to the Committee on Commerce under the original reference.

The Committee on Commerce recommends the following pass: SB 318

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

The Committee on Judiciary-Civil recommends the following pass: SB 420, SB 421

The bills were referred to the Committee on Governmental Operations under the original reference.

The Committee on Governmental Operations recommends the following pass:

SB 287 with 2 amendments SB 362 with 7 amendments

The bills were referred to the Committee on Health and Rehabilitative Services under the original reference.

The Committee on Commerce recommends the following pass: SB 174 with 3 amendments

The bill was referred to the Committee on Natural Resources and Conservation under the original reference.

The Committee on Agriculture recommends the following pass:

SB 221 with 2 amendments SB 502 with 1 amendment
SB 363 SB 523

The Committee on Commerce recommends the following pass:

SB 81 with 2 amendments SB 337
SB 166 SB 352

The Committee on Governmental Operations recommends the following pass:

SB 237 with 1 amendment SB 339 with 2 amendments

The Committee on Judiciary-Civil recommends the following pass: SB 350, SB 388

The Committee on Natural Resources and Conservation recommends the following pass: SB 459

The Committee on Transportation recommends the following pass: SB 115 with 5 amendments, SB 365

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

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 53

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 238

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

The Committee on Education recommends a Committee Substitute for the following: SB 317

The bill with Committee Substitute attached was referred to the Committee on Commerce under the original reference.

The Committee on Commerce recommends the Committee Substitute offered by the Committee on Judiciary-Civil for SB 176 with 1 amendment.

The Committee on Commerce recommends a Committee Substitute for the following: SB 242

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

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Friday, April 25, 1975:

SCR 8	SB 132	SB 145	SB 191	SB 304 by Senator Plante	SB 329 by Senator Glisson
CS for HCR	SB 141	SB 148	SB 85	SB 311 by Senator Holloway	
2 and 68	SB 143	SB 184			

*Respectfully submitted,
Lew Brantley, Chairman*

ENGROSSING REPORTS

Your Engrossing Clerk has incorporated amendments to—

SB 87	CS for SB 429
SB 13	CS for SB 41

Joe Brown, Secretary

The bills were certified to the House.

Your Engrossing Clerk has incorporated amendments to—

SB 65	SB 83	CS for SB 105
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Joe Brown, Secretary

The bills were certified to the House.

SUBCOMMITTEE REPORT TO STANDING COMMITTEE

The Select Subcommittee on Legislation Relating to Juveniles Subcommittee of the Judiciary-Criminal Committee recommends favorably: SB 377 with 3 amendments, SB 370

BILLS REFERRED TO SUBCOMMITTEES OR SELECT COMMITTEES

Select Subcommittee of the Ways and Means Committee on Retirement, Claims and Ratio Study Review (10 days to report): SB 22 by Senator Graham, SB 372 by Senator Poston

Select Subcommittee of the Governmental Operations Committee: SB 125 by Senator McClain

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Brantley, by two-thirds vote SJR 110 was recommitted to the Committee on Rules and Calendar.

On motion by Senator Poston, by two-thirds vote SB 335 was withdrawn from the Committee on Judiciary-Criminal and placed on the calendar.

On motion by Senator Myers, by two-thirds vote SB 230 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Stolzenburg, by two-thirds vote SB 54 was withdrawn from the Committee on Ways and Means and indefinitely postponed.

The President announced the appointment of Senator Peterson as a member of the Committee on Rules and Calendar.

On motion by Senator Brantley, Rule 2.6 was waived and the Committee on Commerce was granted permission to meet immediately after adjournment this day in Room A to consider House Bills 1271 and 1267 and SB 282.

REQUESTS FOR EXTENSION OF TIME

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

SB 316 by the Committee on Agriculture

The Committee on Commerce requests an extension of 10 days for the consideration of the following:

SB 333 by the Committee on Education	SB 408 by Senator Winn
SB 343 by Senator MacKay	SB 409 by Senator Hair
SB 369 by Senator Ware	SB 424 by Senator Graham
SB 376 by Senator Graham	SB 437 by Senator Scarborough
SB 384 by Senator Firestone	SB 438 by Senator Poston
SB 393 by Senator Plante	SB 440 by Senator Holloway

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

SB 312 by Senator Vogt	CS for SB 230 by Committee on Transportation
SB 323 by Senator J. Thomas	

The Committee on Judiciary-Civil requests an extension of 10 days for the consideration of the following:

SB 351 by Senator Hair	SB 490 by Senator Glisson
SB 357 by Senator Hair	SB 506 by Senator McClain
SB 364 by Senator Hair	SB 513 by Senator Lewis
SB 373 by Senator D. Lane	SB 522 by Senator McClain
SB 439 by Senator Poston	SB 521 by Senator McClain
SB 255 by Senator Sims	SB 517 by Senator McClain
SB 444 by Senator Ware	SB 514 by Senator McClain
SB 471 by Senator Dunn	SB 397 by Senator Gallen

The Special Master-Claims requests an extension 15 days for the consideration of the following:

SB 326 by Senators Renick and Poston	SB 327 by Senator Renick
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MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

By direction of the President, the following communication and executive order were read:

Mr. Harry Harris
P. O. Box 36
Tavernier, Florida

April 23, 1975

Dear Mr. Harris:

Pursuant to the provisions of Chapter 69-277, Laws of Florida, we are sending you by registered mail, Executive Order of Suspension dated April 22, 1975.

With kind regards, I remain

*Cordially,
DOROTHY W. GLISSON
Director, Division of Elections*

EXECUTIVE ORDER NUMBER 75-17

Executive Order of Suspension

WHEREAS, HARRY HARRIS is presently serving as a member of the Board of County Commissioners of Monroe County, and

WHEREAS, it has been alleged by citizens of Monroe County that the said HARRY HARRIS has violated the duties and public trust of his public office, and

WHEREAS, pursuant to the Constitution and laws of the State of Florida, an investigation has been made of the charges against the said HARRY HARRIS, and

WHEREAS, on April 15, 1975, the Grand Jury of the County of Dade and State of Florida returned a true bill charging the said HARRY HARRIS with criminal violations of the laws of Florida;

NOW, THEREFORE, I, REUBIN O'D. ASKEW, as Governor, pursuant to the Constitution and laws of the State of Florida, do hereby find, determine and allege as follows:

A. That the acts and violations alleged herein all occurred during the present term of office of HARRY HARRIS as a "county officer" within the meaning of Section 7, Article IV, Florida Constitution (1968), to-wit: County Commissioner, Monroe County, Florida.

B. That said HARRY HARRIS did commit the acts and violations of Florida law as alleged in the Indictment attached hereto and hereby incorporated in this Executive Order as allegations of facts constituting grounds for suspension under Article IV, Section 7(a), Florida Constitution.

C. That the facts alleged herein constitute the offenses of malfeasance, misfeasance, neglect of duty, commission of a felony or incompetence as such offenses are used in Section 7(a), Article IV, Florida Constitution.

D. That the interest of the residents of Monroe County, Florida, and the citizens of the State of Florida can best be served by the immediate suspension of HARRY HARRIS from the public office which he now holds.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and laws of the State of Florida, the following Executive Order is hereby promulgated effective at 5:00 p.m. on April 22, 1975.

1. HARRY HARRIS is hereby suspended as and from the public office which he now holds, to-wit: County Commissioner, Monroe County, Florida.

2. That HARRY HARRIS is hereby prohibited from performing any official act, duty or function of public office, from receiving any pay or allowances, and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date hereof, until further executive order, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 22nd day of April, 1975.

REUBIN O'D. ASKEW
Governor

Attest:
BRUCE A. SMATHERS
Secretary of State

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President April 18, 1975

I am directed to inform the Senate that the House of Representatives has passed HB 1266 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce and Representative Forbes and Others—

HB 1266—A bill to be entitled An act relating to the statute of frauds, amending s.725.01, Florida Statutes, to provide that any guarantee, warranty, or assurance as to the results or safety of any medical, surgical, or diagnostic procedure must be in writing; prohibiting obtaining a signature on a blank form; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Commerce.

The Honorable Dempsey J. Barron, President April 18, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1272 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce and Representative Forbes and others—

HB 1272—A bill to be entitled An act relating to insurance; adding subsection (8) to s.627.351, Florida Statutes, to provide for the establishment of a joint underwriting association consisting of insurers issuing casualty insurance as defined in s.624.605(1), Florida Statutes, except insurers limited to the specific areas of casualty insurance defined in paragraphs (a), (c), (d), (e), (f), (h), (i), (k), (l), and (m) of section 624.605(1), Florida Statutes, and self-insurers as provided in section 627.355, Florida Statutes, providing professional lia-

bility or malpractice coverage for all licensed hospitals, physicians, osteopaths, podiatrists, dentists, and nursing homes; providing for the equitable apportionment among members of the joint underwriting association of profits and losses; providing for cancellation of insurance; providing for recovery of deficits from insureds and insurers; limiting profits; amending subsection (1) of s.627.355, Florida Statutes, to authorize groups or associations of health care facilities to partially self-insure against medical malpractice claims and delete the provision of the section requiring that a group or association of physicians must be in existence for at least two years prior to partially self-insuring against medical malpractice claims; providing an effective date.

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

The Honorable Dempsey J. Barron, President April 21, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 231 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Smith and others—

HB 231—A bill to be entitled An act relating to the criminal law; amending section 775.021, Florida Statutes, as created by Chapter 74-383, Laws of Florida, relating to rules of construction; adding a new subsection (4) to provide that a person who violates two or more criminal statutes during one criminal episode shall be sentenced for each offense committed; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

The Honorable Dempsey J. Barron, President April 21, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1286 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce and Representative Harrington—

HB 1286—A bill to be entitled An act relating to unemployment compensation; amending s.443.03(5)(o), Florida Statutes, to exclude employees of political subdivisions of this state or any instrumentality thereof from coverage for services performed on an unemployment work-relief project undertaken by a federal agency, this state, or any political subdivision of this state; amending s.443.05(3), Florida Statutes, to exclude certain employees of schools and institutions within the state system of public education from eligibility for benefits during periods between successive academic years or during certain other periods; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Commerce.

The Honorable Dempsey J. Barron, President April 21, 1975

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

HB 117 CS for HB 76

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Haben—

HB 117—A bill to be entitled An act relating to drug abuse, prevention, and control; amending subsections (2)(c) and (3)(a) of section 893.03, Florida Statutes, relating to standards and schedules; adding certain substances to Schedule II and deleting methaqualone from Schedule III; amending paragraphs (a), (b), and (e) of subsection (1) of section 893.13, Florida Statutes, relating to prohibited acts and penalties; providing that unlawful sale, manufacture or delivery of substances in Schedule V shall be a felony of the third degree; providing that sale, delivery, or possession of in excess of ten grams of any

substance containing 10 milligrams of any substance listed in section 893.03(1)(a) or (1)(b), Florida Statutes, shall be a felony of the first degree; rephrasing the simple possession provision to provide that unlawful possession of a substance named or described in section 893.03(1), (2), (3) or (4), Florida Statutes, shall be a felony of the third degree; providing that unlawful possession of a substance named or described in section 893.03(5), Florida Statutes, shall be a misdemeanor of the first degree; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By the Committee on Judiciary and Representatives Hazelton and Smith—

CS for HB 76—A bill to be entitled An act relating to judgments; amending s.55.03, Florida Statutes, providing that, unless otherwise specified at a lesser rate, all judgments and decrees shall bear interest at the rate of 9 percent a year; limiting applicability; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Commerce.

The Honorable Dempsey J. Barron, President April 21, 1975

I am directed to inform the Senate that the House of Representatives has passed HB 103 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Haben and Mann—

HB 103—A bill to be entitled An act relating to jury service; reenacting s.40.271, Florida Statutes, as created by Chapter 74-379, Laws of Florida, prohibiting dismissal from employment because of jury service; providing a civil action, compensatory and punitive damages; providing attorney fees; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Commerce.

The Honorable Dempsey J. Barron, President April 22, 1975

I am directed to inform the Senate that the House of Representatives has passed HB 1147 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Natural Resources and Representatives Craig and Moore—

HB 1147—A bill to be entitled An act relating to the reclamation of lands disturbed by the severance of solid minerals; adding subsection (8) to s.211.30, and amending ss.211.31(1) 211.32(3), and 211.33(2), Florida Statutes; defining taxable year; clarifying the provision for payment of the expenses of administering part II of chapter 211 from the proceeds of the tax on severance of solid minerals; imposing mandatory reclamation of lands subject to the tax; authorizing the Department of Natural Resources to establish time schedules for the completion of restoration and reclamation programs; providing for land transfers to the state as a part of a restoration and reclamation program rather than in lieu of instituting such a program; eliminating the distinction between sites of severance and other qualified sites for purposes of the limitation on refunds from the land reclamation trust fund; providing for holding back a portion of the land reclamation trust fund until reclamation is complete; providing time limits for the filing of claims for refunds from the land reclamation trust fund; clarifying a taxpayer's right to refunds from the land reclamation trust fund based on costs incurred at any time after the effective date of said part in accomplishing approved restoration and reclamation programs; establishing an annual date for determining the portion of the land reclamation trust fund for which refund claims have not been timely filed and allowed; providing for transfer of funds from the land reclamation trust fund to the division of recreation and parks land acquisition trust fund under certain circumstances; providing for injunctive relief; modifying the information required by the taxpayer's annual return; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation, Commerce and Ways and Means.

The Honorable Dempsey J. Barron, President April 22, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 64 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Dick Clark and others—

HB 64—A bill to be entitled An act relating to alcoholic beverage licenses; creating paragraph (c) of subsection (2) of s.561.20, Florida Statutes, providing for the issuance of a special license to bona fide bowling alleys; adding paragraph (d) to s.561.20(2), Florida Statutes, authorizing the issuance of special alcoholic beverage licenses in the name of the county to Boards of County Commissioners; amending subsection (7) of s.561.20, Florida Statutes, providing for the issuance of special club licenses to bona fide tennis clubs; providing an effective date.

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

The Honorable Dempsey J. Barron, President April 22, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended by the required Constitutional 3/5 vote of the membership of the House CS for HJR 185 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representative Tucker and others—

CS for HJR 185—A joint resolution proposing an amendment to Section 5 of Article IV of the State Constitution relating to the terms of office of the lieutenant governor and the cabinet members.

—was read the first time and referred to the Committee on Rules and Calendar.

The Honorable Dempsey J. Barron, President April 22, 1975

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

HB 85

HB 120

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Kiser—

HB 85—A bill to be entitled An act relating to state attorneys; amending s.27.14(1), Florida Statutes, as amended, providing that executive orders that exchange or assign state attorneys and that are filed by the governor with the office of the secretary of state shall be valid for a period of 6 months from the date of issuance of the order; providing for renewal of such orders; providing for approval by the Supreme Court upon application of the governor for renewal; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Representative Haben—

HB 120—A bill to be entitled An act relating to immunity of witnesses; amending section 914.04, Florida Statutes, to provide for immunity from use of compelled testimony; providing for pre-hearing order to testify; providing procedures for granting immunity before courts of the state, grand jury and state attorney; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

The Honorable Dempsey J. Barron, President April 22, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 81 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Lockward and others—

HB 81—A bill to be entitled An act relating to insurance; adding subsection (7) to s.626.970, Florida Statutes, as amended, to restrict insurers from increasing premiums or refusing coverage solely because of a citation for a moving traffic violation which was nolle prosequi or dismissed; providing an effective date.

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

The Honorable Dempsey J. Barron, President April 18, 1975

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

HB 114

HB 461

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Haben—

HB 114—A bill to be entitled An act relating to miscellaneous crimes; rewording section 877.03, Florida Statutes, relating to breach of the peace and disorderly conduct; providing a definition; providing a penalty; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By the Committee on Transportation—

HB 461—A bill to be entitled An act relating to contracts, transportation code; amending s.337.11(4)(a) and (d), Florida Statutes, and adding a new paragraph (c) thereto; providing for the use of written change orders by the department; providing a cost increase ceiling; providing an effective date.

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

The Honorable Dempsey J. Barron, President April 18, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1268 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce and Representative Forbes and others—

HB 1268—A bill to be entitled An act relating to consent to medical treatment; creating s.768.132, Florida Statutes, entitled the "Florida Medical Consent Law"; covering consent in all cases not covered by s.768.13, Florida Statutes, entitled the Good Samaritan Act; setting standards for information necessary for the consent; providing a presumption where a valid consent was given; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

The Honorable Dempsey J. Barron, President April 18, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended—HB 1270 HB 1271—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce and Representative Forbes and others—

HB 1270—A bill to be entitled An act relating to the limitation of actions for professional malpractice; amending paragraph (a) of s.95.11(4), Florida Statutes, 1974 Supplement, to provide that an action for professional malpractice may not be brought more than four years from the date the incident giving rise to the action occurred regardless of when the cause of action is discovered or should have been discovered; providing an exception; providing an effective date.

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

By the Committee on Commerce and Representative Lehman and others—

HB 1271—A bill to be entitled An act relating to medical malpractice actions; creating s.768.132, Florida Statutes; providing for appointment of medical liability mediation panels in each judicial circuit to hear medical malpractice actions; providing for selection of panel members; providing for hearings; providing procedure; providing for discovery; providing for written decisions; providing for appeal; providing for admissibility of panel decisions as evidence in court; providing applicability; providing an effective date.

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

The Honorable Dempsey J. Barron, President April 18, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1267 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce and Representative Forbes and others—

HB 1267—A bill to be entitled An act relating to claims arising out of the rendering of medical care or services; creating s.627.353, Florida Statutes, requiring that all licensed hospitals, physicians, physician's assistants, osteopaths, and podiatrists obtain and maintain medical malpractice insurance or self-insurance within certain limits and provide financial support for a fund to pay claims exceeding the limits prior to practicing; limiting liability of such person when covered by the required insurance and by the fund; providing for creation of said fund and for administration and defense of the fund by the Department of Insurance; providing that expenses of the department in administering and defending the fund are to be paid out of the fund; providing for the investment of money held in the fund; requiring an adequate defense of claims by insurers or self-insurers; providing an effective date.

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

The Honorable Dempsey J. Barron, President April 18, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1269 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce and Representative Forbes and others—

HB 1269—A bill to be entitled An act relating to administrative boards as defined in subsections (4), (14), and (20) of s.455.01, Florida Statutes, creating section 455.016, Florida Statutes, to grant broad powers and duties to such administrative boards with respect to malpractice or unprofessional conduct by persons licensed by such administrative boards including subpoena powers, investigative powers, the power to hold hearings, and the power to impose specific sanctions; prohibiting admissibility of evidence elicited pursuant to an administrative hearing relating to malpractice or unprofessional conduct in civil actions; requiring investigation by an administrative board when a court has adjudicated guilt or awarded damages for malpractice or unprofessional conduct; providing an effective date.

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

The Honorable Dempsey J. Barron, President April 23, 1975

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

HB 121 HB 1288

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Fontana and others—

HB 121—A bill to be entitled An act relating to criminal procedure; creating s.921.24, Florida Statutes, requiring all felony judgments to be in writing; requiring the fingerprinting of a convicted felon in open court as a part of the felony conviction record; providing for certification by the judge; authorizing the use of such certified judgments as prima facie evidence that the fingerprints contained thereon are those of the defendant against whom the judgment is rendered; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By the Committee on Criminal Justice—

HB 1288—A bill to be entitled An act relating to the Florida Criminal Code; amending section 67, chapter 74-383, Laws of Florida; amending the effective date of the chapter; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

The Honorable Dempsey J. Barron, President April 23, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 150 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Becker and others—

HB 150—A bill to be entitled An act relating to gambling; amending s.849.25, Florida Statutes, providing a penalty for any person engaging in bookmaking to a certain extent and for repeated violations; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

The Honorable Dempsey J. Barron, President April 23, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1289 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Criminal Justice—

HB 1289—A bill to be entitled An act relating to the Florida Criminal Code; amending s.775.08(3), Florida Statutes, 1974 Supplement; defining the term "noncriminal violation"; amending s.775.084, Florida Statutes, 1974 Supplement; providing penalties for subsequent misdemeanor offenders; amending s.775.087(1), Florida Statutes, 1974 Supplement; providing for reclassification of a felony in which the defendant carries a firearm; amending s.776.08, Florida Statutes, 1974 Supplement; including involuntary sexual battery in the definition of a forcible felony; amending ss.777.04(4), 782.04, 782.07, 782.071, 784.011(2), 784.021(2), 784.03(2), 784.045(2), 784.05, 787.01(2), 787.02(2), 787.03(1), 787.04(4), 794.03, 794.011(2)—(5), 806.01(1), (2), 806.10, 806.111, 806.13(2), 810.02(2), (3), 810.06, 810.08, 810.09, 810.10(2), 810.11(2), 812.021(2), (3), 812.031(2), (3), 812.041(1), 812.051(2), 812.13(2), 826.01, 826.03, 826.04, 827.03, 827.04, 827.05, 827.06(1), 837.012(1), 837.02(1), 837.021, 837.05, 837.06, 838.015(3), 838.016(4), 838.021(3), 838.031(3), 838.041, Florida Statutes, 1974 Supplement; amending the penalty provisions; reenacting and amending

s.800.04, Florida Statutes; prohibiting lewd or lascivious conduct upon or in the presence of a child; reenacting ss.823.01, 823.02, 823.04, 823.041, and 823.05-823.10, Florida Statutes; relating to public nuisance and providing penalties therefor; repealing s.775.086, Florida Statutes, 1974 Supplement, relating to subsequent misdemeanor offenders; repealing s.64, chapter 74-383, Laws of Florida, relating to penalty provision references in the Florida Statutes; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

The Honorable Dempsey J. Barron, President April 22, 1975

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

HB 102 HB 1285

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Haben—

HB 102—A bill to be entitled An act relating to sentencing; reenacting section 921.141(1), Florida Statutes, as amended by Chapter 74-379, Laws of Florida, providing for second jury or special juror at sentencing proceeding; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Criminal and Ways and Means.

By the Committee on Commerce—

HB 1285—A bill to be entitled An act relating to insurance arbitration cases; creating s.682.115, Florida Statutes, providing for award of attorney's fees and other costs incurred in arbitration cases against insurers; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Commerce.

The Honorable Dempsey J. Barron, President April 23, 1975

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for CS for SB 123 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Natural Resources and Conservation and Senator Trask and others—

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; 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; 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; abolishing the Coastal Coordinating Council and reassigning its powers, duties, staff 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.

Amendment (1)—Strike everything after the enacting clause and insert:

Section 1. Short title.—This act shall be known and may be cited as the Florida Environmental Reorganization Act of 1975.

Section 2. Declaration of policy.—Reasserting the policy of the Governmental Reorganization Act of 1969, as stated in s.20.02, Florida Statutes, that structural reorganization should be a continuing process, and recognizing that 6 years have passed since the 1969 reorganization, it is the intent of the legislature to promote the efficient, effective and economical operation of certain environmental agencies by centralizing authority over and pinpointing responsibility for the management of the environment, by authorizing the delegation of substantial decision-making authority to the district level, and by consolidating compatible administrative, planning, permitting, enforcement and operational activities. Further, it is the intent of this act to promote proper administration and utilization of Florida's landmark environmental laws.

PART I

Section 3. When used in this act the term, phrase or word:

(1) "Commission" means the Environmental Regulation Commission.

(2) "Department" means the Department of Environmental Regulation.

(3) "Environmental district center" means the facilities and personnel which are centralized in each district for the purposes of carrying out the provisions of this act.

(4) "District" or "environmental district" means one of the geographical areas, the boundaries of which are established pursuant to this act.

(5) "Manager" means the head of an environmental district who shall supervise all environmental functions of the department within such environmental district.

(6) "Secretary" means the secretary of the Department of Environmental Regulation.

(7) "Subdistrict" means a geographical area, the boundaries of which may be established as a part of a district.

(8) "Standard" means any rule of the Department of Environmental Regulation relating to air and water quality, noise, and solid waste management. The term "standard" does not include rules of the Department which relate exclusively to the internal management of the Department, the procedural processing of applications, the administration of rule making or adjudicatory proceedings, the publication of notices, the conduct of hearings, or other procedural matters.

Section 4. Department of Environmental Regulation.—There is created a Department of Environmental Regulation.

(1) The head of the department is the secretary of environmental regulation, who shall be appointed by the governor subject to confirmation by the senate. The secretary shall serve at the pleasure of the governor.

(2) There shall be a deputy secretary appointed by and serving at the pleasure of the secretary.

(3) The following divisions of the Department of Environmental Regulation are established:

- (a) Division of Administrative Services;
- (b) Division of Environmental Programs; and
- (c) Division of Environmental Services.

(4) There shall be a manager for each environmental district who shall be appointed by and serve at the pleasure of the secretary. The manager shall maintain his office in the environmental district center, which shall be collocated with the office of the water management district to the maximum extent practicable.

(5) The state is divided into five environmental districts coterminous with the water management district boundaries as specified in chapter 373, Florida Statutes.

(6) The secretary may establish subdistricts with one branch office in each, for the purpose of making services more accessible to the citizens of each district.

(7) There is created as a part of the Department of Environmental Regulation an Environmental Regulation Commission. The commission shall be composed of seven citizens of this state appointed by the governor, subject to confirmation by the senate. The commission shall include one, but not more than two, member from each water management district who has resided in the district for at least 1 year and two members from the state at large. Membership shall be representative of but not limited to interested groups including agriculture, real estate sales, environmental experts, the construction industry and lay citizens. The governor shall appoint the chairman, and the vice chairman shall be elected from among the membership. Four members shall be appointed on July 1, 1975, for terms ending July 1, 1979, three members shall be appointed on July 1, 1975, for terms ending on July 1, 1977. All appointments thereafter shall be for 4-year terms. The governor may at any time fill vacancies for the unexpired term. The members of the commission shall serve without compensation but shall be paid travel and per diem as provided in s.112.061, Florida Statutes, while in the performance of their official duties. Administrative personnel and other support services necessary for the commission shall be furnished by the department.

Section 5. Powers and duties of the Department of Environmental Regulation.—

(1) Duties of the governor and cabinet.—

(a) The governor and cabinet sitting as the trustees of state lands are vested with the authority to hear and decide appeals of department decisions under chapter 253, Florida Statutes. Such notice of appeal shall be filed with the governor and cabinet within 15 days of such decision. The hearing shall be appellate in nature; however, the governor and cabinet may, at their discretion, take additional testimony. Such hearings shall be completed and a decision rendered within 60 days of receipt of the appeal. Hearings shall be in accordance with provisions of chapter 120, Florida Statutes.

(b) The governor and cabinet shall perform the duties now vested in the Pollution Control Board of the Department of Pollution Control, pursuant to the Florida Electrical Power Plant Siting Act, sections 403.509, 403.511, 403.512 and 403.513, Florida Statutes. For the purposes of this subsection the governor shall perform the duties of the chairman of the Pollution Control Board, as defined in section 403.511, Florida Statutes.

(2) Duties of the commission.—

(a) The commission shall exercise the exclusive standard-setting, rulemaking, and administrative adjudication functions of the department's rules and standards for water, air, noise, and solid waste where such rules and standards are required by state and/or federal law. Where such standards exceed

federal requirements, the final approval shall be by the Governor and Cabinet and the commission shall forward to the Governor and Cabinet a statement of environmental and economic impact for the proposed standard.

(b) The commission shall direct the department to have a study conducted of the economic and environmental impact which sets forth the benefits and costs to the public of any proposed standard that would be stricter or more stringent than one which has been set by federal agencies pursuant to federal law or regulation. The commission shall direct the department to prepare such a study on any standard existing on the effective date of this act which sets a stricter or more stringent standard than one which has been set by federal agencies pursuant to federal law or regulation. All such studies shall be submitted to the governor and cabinet no later than March 1, 1976. The governor and cabinet shall accept, reject, modify, or remand for further proceedings the standard within 60 days from the submission of the study.

(c) Any such standard adopted by the commission shall be reviewed by the governor and cabinet, who shall accept, reject, modify, or remand for further proceedings the standard within 60 days from the submission. 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.

(3) Duties of the secretary.—In addition to those powers and duties of heads of departments set forth in chapter 20, Florida Statutes, the secretary shall employ legal counsel to represent the department in matters affecting the department.

(4) Duties of the divisions.—

(a) The Division of Administrative Services shall perform duties including but not limited to personnel, fiscal, purchasing, education and information.

(b) The Division of Environmental Programs shall perform duties including but not limited to administration, coordination, and supervision of programs relating to planning, grants, air quality, water quality, noise and solid waste management.

(c) The Division of Environmental Services shall perform duties including but not limited to the following: processing of applications for power plant site certifications pursuant to part II, chapter 403, Florida Statutes; processing of permits for the construction of projects which are part of developments of regional impact and for which permitting authority has been assigned to the department; and processing of those other classifications of permits, licenses, and certificates which the secretary may designate. Where no environmental impact occurs, permitting authority may be delegated to county or municipal government. The division shall also establish uniform procedures and forms for the orderly determination of decisions relating to permits, licenses, certificates, and exemptions. The division shall provide the necessary technical and legal support to carry out law enforcement functions of the department. The division shall supervise and direct all district operations.

(5) Duties of the environmental district centers.—Under the supervision of the Division of Environmental Services all field services and inspections required in support of the decisions of the department relating to the issuance of permits, licenses, certificates, or exemptions shall be accomplished at the environmental district center level to the maximum extent practicable.

Section 6. The Department of Pollution Control is transferred by a type three transfer, as defined in s.20.06(3), Florida Statutes, to the department except for those duties vested in the governor and cabinet under section 5(1) of this act, and except that all powers, duties, and functions of the Department of Pollution Control relating to the regulation of open burning connected with rural land clearing, agricultural, or forestry operations (except fires for cold or frost protection) are transferred by a type four transfer, as defined in s.20.06(4), Florida Statutes, to the Department of Agriculture and Consumer Services.

Section 7. All powers, duties, and functions of the Board of Trustees of the Internal Improvement Trust Fund, relating to the issuance of permits, certificates, and licenses and exemptions pursuant to chapter 253, Florida Statutes, are trans-

ferred by a type four transfer, as defined in s.20.06(4), Florida Statutes, to the department.

Section 8. All powers, duties and functions of the Department of Natural Resources relating to permits, licenses, and exemptions, pursuant to chapter 253, Florida Statutes, are transferred by a type four transfer, as defined in s.20.06(4), Florida Statutes, to the department.

Section 9. Except for the coordination of governmental planning and programming activities, as provided in s.23.012, Florida Statutes, the powers, duties and functions of the Division of State Planning of the Department of Administration, prescribed in part I of chapter 23, Florida Statutes, which relate to the development of the data for the environmental quality portions of the State Comprehensive Plan, are transferred by a type four transfer, as defined in s.20.06(4), Florida Statutes, to the department for those environmental programs which fall under its jurisdiction. Those powers, duties, and functions relating to the development of data for the natural resources portions of the State Comprehensive Plan are transferred by a type four transfer, as defined in s.20.06(4), Florida Statutes, to the Department of Natural Resources for those natural resource programs which fall under its jurisdiction.

PART II

Section 10. Subsection (2) of section 20.25, Florida Statutes, is amended to read:

20.25 Department of natural resources.—There is created a Department of Natural Resources.

(2) The following divisions of the Department of Natural Resources are established:

(a) Division of Administrative Services,

(b) Division of Marine Resources,

~~(c) Division of interior resources,~~

~~(c)(a) Division of Game and Fresh Water Fish, and~~

~~(d)(e) Division of Recreation and Parks.~~

(e) *Division of Resource Management.*

(f) *Division of Law Enforcement.*

Section 11. Management and organization.—

(1) Within the Department of Natural Resources, there is created the position of deputy executive director, who shall aid in the overall management of the department. Four executive assistants may be appointed by the executive director to aid in the overall management of the department.

(2) The Division of Resource Management shall perform all powers, duties, and functions of the Division of Interior Resources not transferred elsewhere by this act. The division shall also perform functions including but not limited to preservation, management, and protection of lands held by the state other than parks, recreational and wilderness areas, and shall carry out the programs of coastal zone management, utilizing interagency cooperation and agreements to insure the participation of other state and local agencies involved in coastal zone management. The division shall also carry out the responsibilities of boundary determination pursuant to chapter 253, Florida Statutes.

(3) The Division of Recreation and Parks shall preserve, manage, regulate and protect all parks and recreational areas held by the state and may provide these services by contract or interagency agreement.

Section 12. The Board of Trustees of the Internal Improvement Trust Fund is merged into the Department of Natural Resources, and all of the statutory powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Board of Trustees of the Internal Improvement Trust Fund not transferred elsewhere by this act, are transferred to the Department of Natural Resources. Notwithstanding any other provision of law to the contrary, the uncommitted fund balance of the internal improvement trust fund as of July 1, 1975, and all revenues subsequently accruing from sources now designated by law for deposit in the internal improvement trust fund shall be deposited in the land acquisition trust fund created by s.375.041 to be used in

accordance with chapter 375, Florida Statutes. However, all the powers, duties, and functions of the Board of Trustees of the Internal Improvement Trust Fund relating to trademarks, copyrights, and patents not involving an interest in real property, as enumerated in s.286.021 and s.286.031, Florida Statutes, are transferred by a type four transfer, as defined in s.20.06(4), Florida Statutes, to the Department of State.

Section 13. All powers, duties and functions of the Sea Resources Section of the Bureau of Sanitary Engineering of the Division of Health of the Department of Health and Rehabilitative Services relating to but not limited to the regulation of shellfish are transferred by a type four transfer, as defined in s.20.06(4), Florida Statutes, to the Department of Natural Resources.

Section 14. All powers, duties, and functions of the Division of State Planning of the Department of Administration prescribed in chapter 380, Florida Statutes, not assigned elsewhere by this act, are transferred by a type four transfer, as defined in s.20.06(4), Florida Statutes, to the Department of Natural Resources.

Section 15. Subsection (17) of section 20.25, Florida Statutes, is amended to read:

20.25 Department of natural resources.—

There is created a Department of Natural Resources.

(17) The game and fresh water fish commission functions prescribed by chapter 372, are transferred by a type one transfer to the Department of Natural Resources. *The Department of Natural Resources shall have authority pursuant to the type one transfer to directly supervise, review, and approve the commission's exercise of executive powers in the area of budgeting.*

PART III

Section 16. The heads of the Department of Environmental Regulation and the Department of Natural Resources shall organize the internal structure of their respective departments to conform to the requirements of this act in a manner which will promote efficient and effective operation of the departments. Such internal organization shall be completed prior to March 1, 1976. In accomplishing such organization, the head of each department shall allocate the duties and functions of the department among the divisions which are established by this act, and may, prior to March 1, 1976, establish bureaus, sections, and subsections within such divisions without approval of the Department of Administration. No new bureaus, sections, or subsections may be established within such divisions after March 1, 1976, until approved by the Department of Administration or by law.

Section 17. On or before March 1, 1976, the secretary of the Department of Environmental Regulation shall submit a report to the governor, and the executive director of the Department of Natural Resources shall submit a report to the head of the Department of Natural Resources. The reports shall then be submitted to the speaker of the house of representatives and the president of the senate. The reports shall contain the organization plan of each respective department in effect on March 1, 1976, and a detailed description of the placement within the departmental structure of all of the authorized programs and functions administered or accomplished by each department.

Section 18. The Department of Administration and all other state agencies shall assist and cooperate with the Department of Environmental Regulation and the Department of Natural Resources to ensure the orderly and efficient transfer of the powers, duties, functions, and agencies transferred by this act.

Section 19. Except as provided in sections 253.122, 253.136, 403.510 and 403.511, Florida Statutes, nothing in this act shall be construed to have altered the authority of county and municipal governments as provided by law.

Section 20.

(1) Any rule or regulation of a public agency, in effect as of the effective date of this act, involved in or affected by the reorganization of the executive agencies as set forth in this act, to the extent it is not inconsistent with this act, shall remain in effect until it expires by its term or is specifically repealed or revised as provided by law.

(2) Nothing in this act shall alter or affect rights previously vested under chapter 380, Florida Statutes.

Section 21. No legal or administrative proceeding pending as of the effective date of this act shall be abated or delayed because of any transfer made in this act, and any department to which are transferred the powers, duties, and functions of an agency relating to a pending proceeding shall be substituted as a party in interest in such proceedings.

Section 22. All statutory law which names units of government in the various agencies of the executive branch in a manner in conflict with the nomenclature used herein is amended so as to be consistent with the nomenclature used in this act. If any agency, program, power, duty, or function transferred herein is changed in name or substance by another act of the legislature during the 1975 regular session, the agency, program, power, duty, or function, as amended, is transferred in a manner consistent with the intent expressed by this act.

Section 23. Section 20.26, Florida Statutes, as amended by chapter 73-256, Laws of Florida, and section 20.27, Florida Statutes, as amended by chapter 74-329, Laws of Florida, are hereby repealed.

Section 24. The Department of Environmental Regulation and the Department of Natural Resources shall accomplish this reorganization within existing resources and appropriations authorized by the legislature.

Section 25. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 26. This act shall take effect July 1, 1975.

Amendment (2)—strike the title and insert: 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 providing for review of the decisions of the commission by the governor and cabinet; providing for appeals under chapter 253, Florida Statutes, 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 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; amending s.20.25(2), Florida Statutes, to create 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 specified functions of the Department of Administration to 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; amending 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.20.27, Florida Statutes, 1974 Supplement, relating to the creation and renaming of the Board of Trustees of the Internal Improvement Trust Fund; providing that reorganization be accomplished within existing resources and appropriations; providing for severability; providing an effective date.

On motions by Senator Lewis, the Senate refused to concur in House amendments 1 and 2 to CS for SB 123, and the House was requested to recede therefrom, and in the event the House refused to recede, a conference committee was requested to adjust the differences between the House and Senate. The action, with the bill and amendments, was certified to the House.

The Honorable Dempsey J. Barron, President April 23, 1975

I am directed to inform the Senate that the House of Representatives has adopted—SCR 654

Allen Morris, Clerk

The bill contained in the above message was ordered enrolled.

RECONSIDERATION

The motion by Senator Sims on April 23 that the Senate reconsider the vote by which SB 74 failed to pass on April 23, was taken up and adopted by the following vote:

Yeas—23

Mr. President	Glisson	Poston	Thomas (30th)
Brantley	Hair	Renick	Thomas (4th)
Childers (1st)	Henderson	Saunders	Tobiassen
Deeb	Lewis	Scarborough	Trask
Firestone	Peterson	Sims	Zinkil
Gallen	Plante	Stolzenburg	

Nays—15

Childers (28th)	Holloway	McClain	Vogt
Dunn	Johnston	Myers	Ware
Gordon	Lane (31st)	Sayler	Wilson
Graham	Lane (23rd)	Spicola	

On motion by Senator Sims, further consideration of SB 74 was deferred.

On motion by Senator Sayler, the rules were waived and CS for SB 105 was ordered immediately certified to the House.

SPECIAL ORDER

SCR 8 was taken up and on motion by Senator Scarborough—

CS for HCR 2 and HCR 68—A concurrent resolution ratifying the proposed amendment to the Constitution of the United States relating to equal rights for men and women.

—a companion measure was substituted therefor and read the second time in full.

On motion by Senator Saunders, the rules were waived and time of adjournment was extended until 12:30 p.m.

CS for HCR 2 and HCR 68 failed and the vote was:

Yeas—17

Childers (28th)	Hair	Poston	Vogt
Dunn	Johnston	Sayler	Wilson
Firestone	Lane (23rd)	Scarborough	
Gordon	Lewis	Spicola	
Graham	Myers	Trask	

Nays—21

Mr. President	Henderson	Plante	Tobiassen
Brantley	Holloway	Renick	Ware
Childers (1st)	Lane (31st)	Saunders	Zinkil
Deeb	MacKay	Sims	
Gallen	McClain	Stolzenburg	
Glisson	Peterson	Thomas (4th)	

PAIR

The following pair was announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Winn on CS for HCR 2 and HCR 68 and any reconsideration thereof.

If he were present he would vote “yea” and I would vote “nay.”

Senator Jon Thomas
30th District

SCR 8 was laid on the table.

Senator Saunders moved that SB 684 be withdrawn from the Committee on Rules and Calendar and placed on the calendar. The motion failed and the vote was:

Yeas—18

Mr. President	Glisson	Scarborough	Vogt
Brantley	Hair	Sims	Ware
Childers (28th)	Plante	Spicola	Zinkil
Childers (1st)	Saunders	Thomas (4th)	
Gallen	Sayler	Tobiassen	

Nays—19

Deeb	Holloway	McClain	Stolzenburg
Firestone	Johnston	Myers	Thomas (30th)
Gordon	Lane (23rd)	Peterson	Trask
Graham	Lewis	Poston	Wilson
Henderson	MacKay	Renick	

SB 132—A bill to be entitled An act relating to milk and milk products; amending s.502.012(1), Florida Statutes; providing an amendment to the definition of “milk”; providing an effective date.

—was read the second time by title. On motion by Senator J. Lane, by two-thirds vote SB 132 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

On motion by Senator Brantley, the Senate reverted to—

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President April 25, 1974

I am directed to inform the Senate that the House of Representatives refused to recede from House Amendments 1 and 2 to CS for CS for SB 123 and acceded to the request of the Senate for a Conference Committee. The Speaker has appointed Representatives Fulford, Craig, Hodges, Bloom and Kiser as the Conferees on the part of the House.

Allen Morris, Clerk

Conference Committee on CS for CS for SB 123

The President announced the appointment of Senators Lewis, Spicola, Vogt, W. D. Childers and J. Thomas as conferees on the part of the Senate on CS for CS for SB 123.

The Journals of April 23 and 24 were corrected and approved.

CO-INTRODUCERS

Senator J. Thomas was recorded as co-introducer of SB 349, Senator Gallen as a co-introducer of SB 529, Senator Renick as a co-introducer of SB 171, Senators J. Lane and Scarborough as co-introducers of SB 667, J. Lane as a co-introducer of SB 678, Senator Saylor as a co-introducer of SB 652.

By permission Senator Glisson withdrew his name as a co-introducer of SB 540.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:30 p.m. to convene at 8:30 a.m., April 28, 1975 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 2:00 p.m. April 28, 1975.