



Journal of the Senate

Number 19

Monday, May 19, 1980

The Senate was called to order by Senator Scott at 8:30 a.m. for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions pursuant to Rule 4.3.

INTRODUCTION

By Senator Tobiasen—

SB 1360—A bill to be entitled An act relating to Escambia and Santa Rosa Counties; providing a limit on the number of speckled sea trout taken from salt water; providing penalties; providing for a referendum; providing an effective date.

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

By Senator Tobiasen—

SB 1361—A bill to be entitled An act relating to Okaloosa County; providing a limit on the number of speckled sea trout taken from certain salt water; providing penalties; providing for a referendum; providing an effective date.

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

By the Committee on Ways and Means—

SB 1362—A BILL TO BE ENTITLED AN ACT MAKING SUPPLEMENTAL APPROPRIATIONS; PROVIDING MONEYS FOR THE ANNUAL PERIODS BEGINNING JULY 1, 1979 AND JULY 1, 1980, TO PAY SALARIES, OTHER EXPENSES, CAPITAL OUTLAY - BUILDINGS AND IMPROVEMENTS, AND FOR OTHER SPECIFIED PURPOSES OF THE VARIOUS AGENCIES OF STATE GOVERNMENT; SUPPLEMENTING OR ADJUSTING ITEMS APPROPRIATED BY CHAPTER 79-212, LAWS OF FLORIDA; SUSPENDING SECTIONS 216-301, 235.435(3), 236.081, AND 236.25, FLORIDA STATUTES, AND CHAPTER 79-212, LAWS OF FLORIDA; PROVIDING AN EFFECTIVE DATE.

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

By Senator Neal—

SB 1363—A bill to be entitled An act relating to Manatee County; creating the Manatee County Transportation Authority; providing definitions; providing for appointment of members by the Governor; providing procedures; providing powers of the authority; authorizing the issuance of bonds by the authority; authorizing the issuance of general obligation bonds by the Board of County Commissioners of Manatee County; authorizing Manatee County and the governing bodies of any municipality to make certain contributions or conveyances to the authority; authorizing the authority to issue industrial revenue bonds; providing remedies for any bondholder and any trustee under any trust agreement; providing that the authority is a political subdivision for the purposes of certain tax exemptions; providing that the authority shall be considered an agency subject to the provisions of chapter 120, Florida Statutes; requiring an appropriation by Manatee County; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators Jenne, Scott, Poole and Williamson—

SB 1364—A bill to be entitled An act relating to Broward County; amending s. 4, chapter 24415, Laws of Florida, 1947, as amended; authorizing the Board of Commissioners of the South Broward Hospital District to invest and reinvest surplus public funds; authorizing the board to delegate such authority; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators Jenne, Scott, Poole and Williamson—

SB 1365—A bill to be entitled An act relating to the School Board of Broward County; providing that the members thereof be paid a specified sum for travel and other expenses within the county; providing for the increase of such amounts in certain circumstances; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators Jenne, Scott, Poole and Williamson—

SB 1366—A bill to be entitled An act relating to Broward County; providing that within Broward County the Division of Administration of the Department of Transportation may condemn property for the purpose of securing replacement rights-of-way for the relocation of rail and utility facilities; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators Jenne, Scott, Poole and Williamson—

SB 1367—A bill to be entitled An act relating to the Central Broward Drainage District, Broward County, Florida; amending section 40, chapter 61-1439, Laws of Florida, as amended; providing that any person who willfully obstructs certain watercourses or damages or destroys certain drainage works shall be liable to the district for double the cost of repair; providing that any person who obstructs certain watercourses or impedes or obstructs the flow of water therein or damages or destroys certain drainage works is guilty of a misdemeanor of the first degree; providing a penalty; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators Jenne, Scott, Poole and Williamson—

SB 1368—A bill to be entitled An act relating to Broward County; authorizing the board of county commissioners to grant by ordinance all necessary powers to the Broward County Consumer Protection Board; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators Jenne, Scott, Poole and Williamson—

SB 1369—A bill to be entitled An act relating to Broward County; amending section 9 of chapter 24415, Laws of Florida, 1947, as amended, authorizing and empowering the Board of Commissioners of the South Broward Hospital District to borrow funds to carry out work of the hospital authorized by the act, to borrow funds not to exceed the sum of \$1 million, to finance acquisition of personal property to be repaid over 5 years, and to secure said loans by a pledge of the personal property acquired; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators Jenne, Scott, Poole and Williamson—

SB 1370—A bill to be entitled An act relating to Broward County; amending s. 4, ch. 27438, Laws of Florida, 1951; authorizing the Board of Commissioners of the North Broward Hospital District to invest and reinvest surplus public funds; authorizing the board to delegate such authority; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators Jenne, Scott, Poole and Williamson—

SB 1371—A bill to be entitled An act relating to Broward County; amending section 6 of chapter 24415, Laws of Florida, 1947, as amended, relating to the South Broward Hospital District; authorizing the Board of Commissioners of the South Broward Hospital District to acquire a hospital or hospitals, including the construction and acquisition of parking facilities and such other facilities as are necessary and incidental to the operation of such hospital or hospitals, and to acquire said hospital or hospitals for the preservation of the public health and public good; amending section 10 of chapter 24415, Laws of Florida, 1947, as amended, authorizing the Board of Commissioners of the South Broward Hospital District to issue bonds of said district bearing a rate of interest not to exceed 9 1/2 percent per annum becoming due not more than 40 years from the date of issuance in an amount not to exceed \$50 million as the total bonded indebtedness of said district (excluding from such total bonded indebtedness such obligations of said district that are payable from moneys other than taxation raised annually within said district as provided in section 11 of chapter 24415, Laws of Florida, 1947, for the purpose of raising funds to establish, construct, acquire, add to, operate and maintain such hospital or hospitals and to refund any and all previous issues of bonds in such manner as said district determines to be in its best interests; amending section 11 of chapter 24415, Laws of Florida, 1947, providing reference to issuance of such bonds; amending section 12 of chapter 24415, Laws of Florida, 1947, as amended, providing that all bonds, except refunding bonds and revenue certificates, be issued only after approval at a bond election; amending section 13 of chapter 24415, Laws of Florida, 1947, as amended, authorizing the Board of Commissioners of the South Broward Hospital District to issue revenue certificates of the hospital district for the furnishing and reconstruction of any hospitals of the district; providing for such revenue certificates to bear interest at rates as determined by the board of commissioners and to mature not more than 40 years from their date or dates in such denominations as may be determined by the board; providing that such revenue certificates shall not be considered as part of the total bonded indebtedness of the district; authorizing the board of commissioners to provide by resolution for the issuance of refunding certificates under such terms and conditions as the board of commissioners shall determine to be in the best interests of the district; amending section 15 of chapter 24415, Laws of Florida, 1947, providing that all bonds issued under the provisions of section 10 of chapter 24415, Laws of Florida, 1947, shall be in the denomination of \$100 or \$1,000 and shall be payable at such place or places as the governing authority may determine; amending section 16, of chapter 24415, Laws of Florida, 1947, providing that bonds issued pursuant to the provisions of section 10 of chapter 24415, Laws of Florida, 1947, may be either registered or coupon bonds; amending section 17 of chapter 24415, Laws of Florida, 1947, providing that the Board of Commissioners of the South Broward Hospital

District shall investigate and determine the legality of the proceedings before any bonds are issued pursuant to the provisions of section 10 of chapter 24415, Laws of Florida, 1947; providing that where a recital is authorized it shall be deemed to be an authorized declaration by the governing body of the district and shall import that there is constitutional and statutory authority for incurring debt and issuing bonds; amending section 18 of chapter 24415, Laws of Florida, 1947, providing that in issuing bonds under the provisions of section 10 or in issuing revenue certificates under the provisions of section 13 of chapter 24415, Laws of Florida, 1947, there may be more than one improvement in hospital purpose in any such issuance; amending section 19 of chapter 24415, Laws of Florida, 1947, as amended, providing that all bonds issued under the provisions of section 10 of chapter 24415, Laws of Florida, 1947, shall be advertised for sale on sealed bids; providing that such notice of sale shall also be published one time at least 10 days preceding the date fixed for the reception of bids, in a financial paper or journal of general circulation in the City of New York, New York; providing that no bonds issued hereunder shall be sold at such price or prices so as to produce a net interest cost in excess of 9 1/2 percent per annum; amending section 20 of chapter 24415, Laws of Florida, 1947, providing that no publication of any resolution or proceeding relating to the issuance of said certificates shall be required, except such as required by this act; amending section 21 of chapter 24415, Laws of Florida, 1947, providing for the Board of Commissioners of the South Broward Hospital District to provide by resolution for the issuance of refunding bonds of an existing bond indebtedness, issued under the provisions of section 10 of chapter 24415, Laws of Florida, 1947; amending section 22 of chapter 24415, Laws of Florida, 1947, providing that such refunding bonds mature not later than 40 years from their respective dates; amending section 23 of chapter 24415, Laws of Florida, 1947, providing that the authority of the district to issue obligations under this act may be determined and obligations to be issued under this act may be validated as provided by law; amending section 24(a) of chapter 24415, Laws of Florida, 1947, providing that the refunding bonds may be sold or exchanged at any time, on, before, or after the maturity of any of the outstanding bonds, to be refinanced thereby; amending section 24(b) of chapter 24415, Laws of Florida, 1947, providing for the private exchange of any refunding bonds by the Board of Commissioners of the South Broward Hospital District for any of the outstanding bonds; providing that such exchange may be for a like or greater principal amount of such bonds of the district; providing the holder of such outstanding bonds need not pay accrued interest on the refunding bonds to be delivered in exchange therefor if and to the extent that interest is due or accrued and unpaid on such outstanding bonds to be surrendered; providing an effective date.

Proof of publication of the required notice was attached.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended, CS for CS for HB 311 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Finance & Taxation and Natural Resources and Representative J. W. Lewis and others—

CS for CS for HB 311—A bill to be entitled An act relating to waste management; amending s. 403.701, Florida Statutes, adding paragraph (f) to s. 403.702(1) and (2), Florida Statutes, amending s. 403.702(2)(c), Florida Statutes, amending s. 403.703(9), Florida Statutes, and adding subsections (18)-(30) thereto, and adding subsections (16)-(20) to s. 403.704, Florida Statutes; extending provisions relating to the short title, legislative findings, definitions, and powers of the Department of Environmental Regulation under the Florida Resource Recovery and Management Act; including provisions relating to hazardous waste; redefining "solid waste"; amending s. 403.706(2)(b), Florida Statutes; relating to local resource and recovery and management programs; creating ss. 403.7041-403.733, Florida Statutes; specifying those wastes and activities which are and

are not regulated under the act; requiring that the department by rule list and provide for identification of hazardous waste; requiring generators and transporters of such waste and persons owning or operating a facility that stores, treats, or disposes of such waste to file written notification with the department; requiring that the department establish by rule standards, requirements, and procedures for such generators, transporters, and owners and operators, and providing specific requirements relating thereto; requiring permits for the construction, modification, operation or closure of a hazardous waste disposal, storage, or treatment facility; providing for temporary permits for certain facilities; providing for revocation or modification of permits and for fees; providing for public meetings; providing authority of local governments and local land use plans, zoning laws, and other regulatory laws; providing for petition to Governor and Cabinet for a finding of public necessity to override local law under certain conditions; providing duties of regional planning agencies with respect thereto; providing conditions; requiring that facility owners or operators be bonded or insured to insure financial responsibility as determined by the department; providing exceptions; establishing the Hazardous Waste Management Trust Fund; providing purposes thereof and providing for deposit of specified moneys therein; imposing an excise tax on generators of hazardous waste and providing for deposit in the Hazardous Waste Management Trust Fund; providing exemptions; providing initial rates of levy; providing an exemption for wastes rendered nonhazardous by certain treatment; providing for administration and collection; providing rates of levy based on balance in the fund; providing for recovery of moneys expended from the fund from persons causing the need for expenditure; authorizing the department to take action to abate or reduce any nuisance or imminent hazard caused by hazardous waste; prohibiting the causing of such imminent hazard; providing for injunctive proceedings and for civil penalties; providing for permits to abate an imminent hazard; providing for restoration of waters into which hazardous waste is discharged; specifying violations and providing penalties; providing defenses; requiring that hazardous waste facility operating personnel be adequately trained and authorizing training programs through the department; providing for an advisory council and providing for repeal and legislative review in accordance with the Sundown Act; providing for confidentiality of trade secrets; authorizing inspections of resource recovery and management facilities by the department; creating s. 220.145, Florida Statutes; providing for a credit against the corporate income tax for investment in a qualified hazardous waste treatment facility; providing penalties; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended, HB 1615 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Natural Resources and Representative J. W. Lewis—

HB 1615—A bill to be entitled An act relating to water resources; creating s. 373.017, Florida Statutes, providing a state water policy; adding subsection (15) to s. 373.019, Florida Statutes, and amending s. 373.403, Florida Statutes, providing definitions; amending s. 373.023(2), Florida Statutes, to conform to the act; amending s. 373.026(7), Florida Statutes, and adding subsections (10) and (11) thereto, providing for the powers of the Department of Environmental Regulation with respect to water resources; providing for the powers of the department with respect to issuance of permits to, and preparation of the budgets of, water management districts; amending s. 373.073(1)(b), Florida Statutes, relating to inclusion of the Escambia Bay Coastal Area; adding subsection (8) to s. 373.079, Florida Statutes, relating to the quorum of water management district board meetings; amending s. 373.103(3), Florida Statutes, and adding subsection (8) thereto; to conform to the act and authorize water management districts to cooperate with the Division of Forestry of the Department of Agriculture for the use of canal rights-of-way; amending s. 373.109, Florida Statutes, relating to permit application fees; amending s. 373.191, Florida Statutes, providing clarifying language concern-

ing county water conservation projects; amending s. 373.196(2), Florida Statutes, and adding a new subsection (3) thereto; encouraging municipalities and counties to enter into water service agreements and to integrate service; prohibiting local and regional water supply authorities from exercising powers of eminent domain to obtain extraterritorial water supply sources; amending s. 373.1961, Florida Statutes, eliminating certain discretionary authority of the governing board of a water management district to provide assistance to designated authorities; authorizing districts to acquire water rights and to provide water and water service upon certain conditions; amending s. 373.1962(1), Florida Statutes, prohibiting creation of additional regional water supply authorities; creating s. 373.1964, Florida Statutes, to preserve the existence of certain water supply authorities; amending s. 373.495, Florida Statutes, relating to the Water Resources Development Account; amending s. 373.501, Florida Statutes, relating to allocation of funds to water management districts; amending s. 373.503(1), Florida Statutes, relating to the manner of taxation employed with respect to water resources; amending s. 373.507, Florida Statutes, relating to performance audits of the accounts of water management districts, basins and authorities; amending s. 373.536(1), Florida Statutes, and adding a new subsection (3) thereto, providing for preparation and review of tentative budgets of water management districts; adding subsection (9) to s. 373.563, Florida Statutes, authorizing water management districts to issue revenue bonds; repealing s. 373.114, Florida Statutes, relating to the Land and Water Adjudicatory Commission; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed HB 182, HB 901 and CS for HB's 1212 & 1552 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Plummer and Gersten—

HB 182—A bill to be entitled An act relating to historic preservation; designating Bird Road between Red Road and Ponce de Leon Boulevard located in the City of Coral Gables, Dade County as a historic highway; prohibiting the use of state or federal funds for certain physical changes on or near the road; requiring approval of the Division of Archives, History and Records Management of the Department of State for other specific changes; authorizing the division to erect markers along the road; authorizing the division, for safety reasons to approve the constructor of sidewalks and a bicycle path on the Bird Road Bridge; providing an effective date.

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

By Representative Hodges—

HB 901—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.07(4) and (5), Florida Statutes, and adding a new subsection (4); prohibiting the sale of oysters produced outside the State of Florida unless the same be so labeled or the purchaser be otherwise made aware of that fact; prohibiting the sale of oysters produced in Florida unless they can be traced to the point of harvesting; providing rulemaking authority; providing penalties; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By the Committee on Commerce, Representative Mills, Committee on Veterans Affairs, Representative Lockward and others—

CS for HB's 1212 & 1552—A bill to be entitled An act relating to gasoline stations; adding a new subsection (5) to s. 526.141, Florida Statutes, requiring attendants at full-service gasoline stations offering self-service to dispense gasoline from the self-service portion of the station to motor vehicles properly displaying an exemption entitlement parking permit when the

person to whom the permit has been issued is the operator of the vehicle and such service is requested; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 1531 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Kutun—

HCR 1531—A concurrent resolution recognizing and honoring the Florida Consular Corps on the occasion of their visit to the Florida Legislature.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended—HB 738 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hagler—

HB 738—A bill to be entitled An act relating to sanitary sewage treatment; amending section 403.086(1)(b), Florida Statutes; providing effluent standards; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended, HB 1175 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Gallagher—

HB 1175—A bill to be entitled An act relating to automobile liability insurance; amending s. 627.727, Florida Statutes, providing that uninsured motorist coverage need not be provided by the insurer when certain changes in a policy are made if the named insured has previously rejected such coverage, unless such coverage is requested in writing; requiring insurers to notify insured parties of certain options; providing for conditional repeal; providing an effective date.

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

The Senate adjourned at 8:35 a.m.