

JOURNAL OF THE SENATE

Wednesday, May 7, 1969

The Senate was called to order by the President at 10:00 a.m.
A quorum present—47:

Mr. President	Deeb	Karl	Shevin
Askew	de la Parte	Knopke	Slade
Bafalis	Ducker	Lane	Stolzenburg
Barron	Fincher	McClain	Stone
Barrow	Friday	Myers	Thomas
Beaufort	Gong	Ott	Trask
Bell	Gunter	Pope	Weber
Bishop	Haverfield	Poston	Weissenborn
Boyd	Henderson	Reuter	Williams
Broxson	Hollahan	Saunders	Wilson
Chiles	Horne	Sayler	Young
Daniel	Johnson	Scarborough	

Excused: Senator Plante.

Prayer by the Reverend Alva H. Brock, Senate Chaplain:

As we pray let us remember the words: "Lord when was it that we saw you hungry or thirsty or a stranger or naked or ill or in prison, and did nothing for you?" Matthew 25:44

O God, thank you for these able, hard-working men and women who have been elected to help enact the legislation for our state. Refresh them now with your spirit, renew them with your divine power. Guide them in the task of reorganizing the executive branch of our government. Let them do it well. Also, let them hear the voices of children, youth and adults who are crying because they are handicapped: emotionally, educationally, physically—turning to drugs, dropping out of school, behind prison bars, hungry, sick, thirsty, naked.

Give these the courage to enact legislation to help those who cannot help themselves. May we all remember, O God, that what you want us to do you will give us the time, the resources and the strength to do if we will ask your help. And he will answer. Anything you do for one of the least of these you do for me. Amen.

The Journal of May 6 was corrected and approved as follows:

Page 234, column 1, line 27, after "read" insert the following: the second time by title,

REPORTS OF COMMITTEES

The Committee on Constitutional Amendments and Revision recommends the following pass: SJR 36

The Committee on Natural Resources and Conservation recommends the following pass: SCR 840

The Committee on Judiciary recommends the following pass:

SB 619 with 3 amendments	SB 611 with 2 amendments
SB 539 with 3 amendments	SB 563
SB 699 with 1 amendment	SB 610
SB 466 with 2 amendments	SB 612
SB 711 with 2 amendments	

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

The Committee on Judiciary recommends a Committee Substitute for the following: SB 305 with 1 amendment

The bill with Committee Substitute attached was placed on the Calendar.

The Committee on Judiciary recommends the following pass: SB 383 with 1 amendment SB 385

The bills were referred to the Committee on Ways and Means under the original reference.

The Committee on Natural Resources and Conservation recommends the following pass: SB 238 with 1 amendment

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

The Committee on Natural Resources and Conservation recommends the following pass: SJR 540 with 1 amendment

The bill was referred to the Committee on Constitutional Amendments and Revision under the original reference.

The Committee on Natural Resources and Conservation recommends the following not pass: SB 229

The Committee on Judiciary recommends the following not pass: SB 501

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

REPORT OF THE COMMITTEE ON RULES AND CALENDAR

Senator Friday presented the following report and recommendation of the Committee on Rules and Calendar: that beginning Monday, May 12, the Senate shall convene at 10:00 a. m., recess at 12 noon, reconvene at 1:30 p. m., and adjourn at 4 p. m.

The report was adopted.

INTRODUCTION

By Senator Knopke—

SB 1022—A bill to be entitled An act relating to cemeteries; amending section 559.32(6), Florida Statutes, to include in the definition of "cemetery company" cemetery sales organizations, cemetery management contractors, and cemetery brokers; amending section 559.43(2), Florida Statutes, to provide time within which to make deposits to care and maintenance trust fund and within which entire amount must be paid; creating sections 559.482 and 559.441, Florida Statutes, prescribing requirements regulating construction of mausoleums; regulating the sale of personal property and services, and providing for establishment of trust fund; providing a penalty; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce and Licensed Businesses.

By Senator Barrow—

SB 1023—A bill to be entitled An act relating to the workmen's compensation law; amending section 440.02(6), Florida Statutes; defining the term "injury" to include damage to dentures or prosthetic devices; providing an effective date.

Was read the first time by title and referred to the Committees on Insurance and Judiciary.

By Senator Lane—

SB 1024—A bill to be entitled An act relating to Monroe county; repealing chapter 65-1927, Florida Statutes, relating to the granting of a cablevision franchise; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1024.

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

By Senator Pope—

SB 1025—A bill to be entitled An act relating to educational telecommunication media; providing for continued educational telecommunication service; prescribing duties of the state board of education and commissioner of education; amending section 229.131 and the introductory paragraph and subsection (29) of section 229.521, Florida Statutes; repealing section 240.042(2) (o), Florida Statutes; providing an effective date.

Was read the first time by title and referred to the Committee on Education.

By Senator Chiles—

SB 1026—A bill to be entitled An act relating to judgments; amending section 55.11, Florida Statutes; providing that judgments against the state or any political subdivision, or instrumentality thereof, including a municipal corporation, shall not be a lien on its property nor be subject to any writ in the nature of execution; providing that no judgment shall be entered against the state or any subdivision, or instrumentality thereof, including a municipal corporation, requiring payment prior to the next ensuing budget period; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary.

By Senator Ott—

SB 1027—A bill to be entitled An act relating to state attorneys; providing that state attorneys and assistant state attorneys may elect to become full-time and not engage in the private practice of law; providing for salaries; authorizing state attorneys to establish salary schedules for their staffs; providing for the employment by state attorneys of temporary personnel; providing an effective date.

Was read the first time by title and referred to the Committees on Judiciary and Ways and Means.

By Senator Bishop—

SB 1028—A bill to be entitled An act relating to the state and county officers and employees retirement system; amending section 122.02(2), Florida Statutes, to provide that average final compensation is the average salary of the five (5) best contributing years; amending section 122.38(12), Florida Statutes, to provide that average annual compensation means the average compensation of the five (5) fiscal years of highest compensation; providing an effective date.

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

By Senator Weissenborn—

SB 1029—A bill to be entitled An act relating to married women's property; repealing section 62.021, Florida Statutes; repealing sections 708.01, 708.03 and 708.04, Florida Statutes; amending section 708.08, Florida Statutes; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary.

By Senator Weissenborn—

SB 1030—A bill to be entitled An act relating to exemption from occupational license tax of certain employees at race tracks; amending section 550.10(1)(d); Florida Statutes; providing an effective date.

Was read the first time by title and referred to the Committees on Commerce and Licensed Businesses and Ways and Means.

By Senator Saylor—

SB 1031—A bill to be entitled An act relating to insurance; amending subsection (1) of section 626.0208, Florida Statutes, by designating such subsection as (1)(a) and adding paragraph (b) to further define controlled business in relation to life insurance agents, recognizing exceptions; providing an effective date.

Was read the first time by title and referred to the Committee on Insurance.

By Senator Reuter—

SB 1032—A bill to be entitled An act relating to state parks; authorizing development of Sebastian Inlet state park in Brevard and Indian River Counties by the Florida board of parks and historic memorials; providing an appropriation; 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.

By Senator McClain—

SB 1033—A bill to be entitled An act amending Chapter 689, Florida Statutes, by adding section 689.21; providing for disclaimer of interests in property of a decedent in whole or in part; specifying scope of right to disclaim; providing for disclaimer on behalf of incompetents and deceased persons; providing for disposition of disclaimed interests; providing for filing and recording of disclaimer and specifying time therefor; providing for service of disclaimers; providing for waivers and bars to the right to disclaim; specifying effect of spendthrift restraints and spouse's consent; saving all rights existing apart from this act; and providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary.

By Senator McClain—

SB 1034—A bill to be entitled An act relating to optometry; amending chapter 463, Florida Statutes, and specifically amending subsections (1), (2), (3), (4) and (5) of section 463.11 relating to revocation of certificate and reinstatement, and adding a new subsection numbered (6) relating to penalties that may be imposed by the board of optometry; and adding a new section 463.111 relating to promulgation of code of ethics for optometrists by the board of optometry, and providing an effective date.

Was read the first time by title and referred to the Committees on Health, Welfare, and Institutions and Judiciary.

By Senator Friday—

SB 1035—A bill to be entitled An act amending section 932.05, Florida Statutes, relating to limitations upon the time for the commencement of criminal prosecutions, so as to provide that, save as otherwise provided in said section, prosecutions for felonies not punishable with death shall be commenced within five (5) years after the same shall have been committed; and prescribing an effective date.

Was read the first time by title and referred to the Committee on Judiciary.

By Senator Friday—

SB 1036—A bill to be entitled An act relating to aggravated battery; amending chapter 784, Florida Statutes, by adding section 784.07; providing that any person who commits a battery with intent to inflict great bodily harm, disability or disfigurement is guilty of aggravated battery; providing a penalty; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary.

By Senator Friday—

SB 1037—A bill to be entitled An act providing that certain expenditures for state attorney offices shall be for a valid public purpose; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary.

By Senator Gong—

SB 1038—A bill to be entitled An act relating to elected public officials; providing for filing copies of financial statements; providing for filing of copies of federal income tax returns; providing that such copies shall not be available except under certain circumstances; providing for the annual publication of a list of all officials who have or have not made such filings; providing penalties; providing an effective date.

Was read the first time by title and referred to the Committees on Judiciary and Rules and Calendar.

By Senator Bell—

SB 1039—A bill to be entitled An act relating to dog and horse racing; amending section 550.24, Florida Statutes, by adding subsection (2) requiring the state racing commission to provide by regulation for the testing of all dogs and horses for the presence of drugs or narcotics no sooner than twelve (12)

hours prior to any race in which they are entered; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce and Licensed Businesses.

By Senators Gunter, Chiles, Stone, de la Parte and Saylor—

SB 1040—A bill to be entitled An act relating to the legislature; renumbering and amending sections 11.181, 11.182, 11.183, 11.184, 11.185, and 11.186, Florida Statutes; amending chapter 11, Florida Statutes, by adding sections 11.46, 11.47, and 11.48; providing for the composition of the legislative auditing committee; creating the office of auditor general and providing for his appointment and duties; providing penalties for failure of the auditor general or his staff to conduct proper audits or for the making of false audit reports; providing penalties for officers and other persons for refusal to make necessary records available to the auditor general or his staff; repealing sections 21.021, 21.031, 21.041, 21.051, 21.061, 21.071, 21.081, 21.091, 21.101, 21.111, 21.121, 21.13, 21.14, 21.15, 21.16, 21.17, 21.18, 21.19, 21.20, 21.21, 21.22, and 21.23, Florida Statutes; providing an effective date.

Was read the first time by title and referred to the Committees on Rules and Calendar and Ways and Means.

BILLS REFERRED TO SUBCOMMITTEES

The following bills were referred to Subcommittees:

Jurisprudence Subcommittee: CS for SB 463 and CS for SB 276; SB 709, and HB 92 (10 days to report to Committee on Judiciary)

Labor and Industrial Relations: SB 491 (10 days to report to Committee on Judiciary)

Law and Order Subcommittee: Senate Bills 618 and 668 (10 days to report to Committee on Judiciary)

Local Government Subcommittee: CS for SB 533; CS for House Bills 178 and 241 and HB 1082 (10 days to report to Committee on Governmental Organization)

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Horne, the rules were waived and the Committee on Judiciary was granted an additional 15 legislative days for the consideration of all bills now in the Committee.

On motion by Senator Askew, Rule 2.5 was waived and the Committee on Constitutional Amendments and Revision was granted permission to hold a meeting May 8 at 6 p. m.

On motion by Senator Barrow, the rules were waived and the Committee on Commerce and Licensed Businesses was granted an additional 6 days for the consideration of Senate Bills 696, 697, 703, 704, 705, 706 and 714.

On motion by Senator Barron, the rules were waived and the Committee on Insurance was granted an additional 7 legislative days for the consideration of Senate Bills 681, 664 and 680.

On motion by Senator Horne, by two-thirds vote, SB 503 with committee substitute was removed from the Calendar and recommitted to the Committee on Judiciary.

MESSAGE FROM THE GOVERNOR

The Governor advised that on May 7 he had filed in the Office of Secretary of State CS for SB 103 which will become law without his approval.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John E. Mathews, Jr. May 6, 1969
President of the Senate

Sir:

I am directed to inform the Senate that the House of

Representatives has concurred in Senate amendment to HB 1041.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable John E. Mathews, Jr.
President of the Senate

May 7, 1969

Sir:

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

By the Committee on Elections—

CS for HB 1037—A bill to be entitled An act relating to political parties; amending section 103.111(2) and (3) (a), (b), (f), Florida Statutes, providing for the organization of county executive committees; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

CS for HB 1037, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

The Honorable John E. Mathews, Jr.
President of the Senate

May 6, 1969

Sir:

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

By Representatives Shaw and Tyre—

HB 1211—A bill to be entitled An act relating to the district school board of Baker County; amending section 2 of chapter 65-1253, Laws of Florida, to increase the allowable interest rate on certificates of indebtedness issued by said board from five percent (5%) to six percent (6%); providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 1211.

HB 1211, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable John E. Mathews, Jr.
President of the Senate

May 6, 1969

Sir:

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

By Representative Heath and others—

HB 1328—A bill to be entitled An act relating to Sarasota county; providing for and authorizing the withdrawal of Sarasota county from the central Florida regional housing authority; providing for the method of such withdrawal; providing an effective date.

Proof of Publication attached.

By Representative Heath and others—

HB 1330—A bill to be entitled An act relating to Sarasota county, authorizing the board of county commissioners of Sarasota county to obtain a personnel survey; to employ a non-resident personnel consulting firm; to pay for the services of a

non-resident personnel consulting firm; ratifying the employment of a non-resident personnel consulting firm and all payments made to same; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to House Bills 1328 and 1330.

House Bills 1328 and 1330, contained in the above message, were read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable John E. Mathews, Jr. May 6, 1969
President of the Senate

Sir:

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

By Representative McNulty and others—

HB 1377—A bill to be entitled An act authorizing the city of St. Cloud, Florida, to jointly own and operate facilities with the city of Kissimmee, Florida, for the production of electrical energy and to make such contracts as may be necessary therefor.

Proof of Publication attached.

By Representative Savage and others—

HB 1380—A bill to be entitled An act relating to the City of Tarpon Springs, Pinellas County; amending Section 7 of Chapter 21598, Laws of Florida, 1941; providing for powers of municipality; providing a referendum.

By Representative Savage and others—

HB 1381—A bill to be entitled An act relating to the City of Tarpon Springs, Pinellas County; amending Section 19 of Chapter 21598, Laws of Florida, 1941; providing that the board of commissioners to constitute election board; providing a referendum.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 1377.

HB 1377, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

House Bills 1380 and 1381, contained in the above message, were read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable John E. Mathews, Jr. May 6, 1969
President of the Senate

Sir:

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

By Representative Heath and others—

HB 1371—A bill to be entitled An act relating to the City of Punta Gorda amending section 3 of Chapter 63-1832, Laws of Florida, 1963, as amended by Chapter 65-2144, Laws of Florida, 1965, and as amended by Chapter 67-1958, Laws of Florida, 1967, providing for the extension of the boundaries of the City of Punta Gorda, Florida.

Proof of Publication attached.

By Representative Walker—

HB 1372—A bill to be entitled An act relating to Collier County, City of Naples parking authority; amending chapter 68-94, Laws of Florida, to authorize the City of Naples parking authority to purchase property, borrow money, and give security; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to House Bills 1371 and 1372.

House Bills 1371 and 1372, contained in the above message, were read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable John E. Mathews, Jr. May 6, 1969
President of the Senate

Sir:

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

By Representative Heath and others—

HB 1370—A bill to be entitled An act to provide an alternative method for the integration and annexation of territory into the City of Punta Gorda which territory is contiguous to the city limits of the City of Punta Gorda as they now or may hereafter exist; providing for the procedure to be followed in annexing such territory; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 1370.

HB 1370, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable John E. Mathews, Jr. May 6, 1969
President of the Senate

Sir:

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

By Representative Heath and others—

HB 1327—A bill to be entitled An act relating to Sarasota county; providing for the creation of an intra governmental service fund budget within the general budget to be approved and adopted by the board of county commissioners; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 1327.

HB 1327, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable John E. Mathews, Jr.
President of the Senate

May 6, 1969

Sir:

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

By Representative Savage and others—

HB 1387—A bill to be entitled An act amending chapter 15,505, laws of Florida, 1931, which is the charter of the City of St. Petersburg; repealing subsection (ff) of section 3 thereof, eliminating the provision for segregation of races; and providing an effective date.

Proof of Publication attached.

By Representative Savage and others—

HB 1388—A bill to be entitled An act relating to the City of Tarpon Springs, Pinellas County; amending Section 20 of Chapter 21598, Laws of Florida, 1941; providing for powers of board to impose penalties for violation of ordinances, and powers of officers generally; providing a referendum.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 1387.

HB 1387, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

HB 1388, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable John E. Mathews, Jr.
President of the Senate

May 6, 1969

Sir:

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

By Representative J. M. Martinez and others—

HB 808—A bill to be entitled An act relating to the charter of the city of Sunrise Golf Village, Broward County, Florida; amending Section 2 of chapter 61-2902, Laws of Florida 1961, to enlarge the municipal boundaries by annexing and including within the city limits and boundaries certain additional territory; and providing an effective date.

Proof of Publication attached.

By Representative J. M. Martinez and others—

HB 807—A bill to be entitled An act removing, severing, and de-annexing certain land and territory from the City of Plantation, Broward County, Florida, by repealing Chapter 57-1743, Laws of Florida, 1957, and any amendments thereto, insofar as said chapter and any amendments thereto consolidated, established, confirmed and delineated the territorial boundaries of the City of Plantation, Broward County, Florida, and to include said territory; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to House Bills 808 and 807.

House Bills 808 and 807, contained in the above message, were read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable John E. Mathews, Jr.
President of the Senate

May 6, 1969

Sir:

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

By Representative Gautier—

HB 408—A bill to be entitled An act relating to small claims courts; amending section 42.04, Florida Statutes; providing that the judges of said courts in counties over 900,000 in population, shall choose their presiding judge by majority vote and provide for their administration by local rule.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 408, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable John E. Mathews, Jr.
President of the Senate

May 6, 1969

Sir:

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

By Representative Rude and others—

HB 1337—A bill to be entitled An act relating to Port Everglades district; amending Part IV, Section 9 of Chapter 59-1157 Laws of Florida; providing for filling vacancies in the office of Port Commissioner.

Proof of Publication attached.

By Representative Heath and others—

HB 1369—A bill to be entitled An act amending chapter 2244, Special Acts of 1965, as amended by chapter 67-2044, Special Acts of 1967, by amending Section 1 thereof to state the purpose of this act: Amending Section 2 thereof to increase the maximum authorized salary of the secretary and treasurer of the district each from \$300 per annum to \$600 per annum respectively; amending Section 4 thereof so as to delete Item "8" thereof assessing a fire tax of \$25.00 per annum on trailer park rental plots, and in place thereof assessing a fire tax on rental plots in trailer parks of 20c per annum for each unoccupied lot and \$5.00 per annum for each occupied lot, as of January 15 of each year; by amending Section 6 thereof to require all checks of the district to be signed by the treasurer and one other member of the board of fire commissioners and in the absence or illness of the treasurer, by the chairman or the secretary and one other member of the board of fire commissioners; by amending Section 9 to clarify the powers of the Board of Commissioners; by further amending Section 12 to provide for annual audit of books and records by the state auditor; and by deleting Section 20 thereof providing for voluntary contributions by occupants of mobile homes or trailers not subject to a fire tax; and providing the effective date of the foregoing amendments to be January 1, 1969.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to House Bills 1337 and 1369.

House Bills 1337 and 1369, contained in the above message, were read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable John E. Mathews, Jr.
President of the Senate

May 6, 1969

Sir:

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

By Representative Savage and others—

HB 1389—A bill to be entitled An act amending chapter 15,505, laws of Florida, 1931, as amended, which is the charter of the City of St. Petersburg; amending subsection (a) of section 17, providing for the establishment by the city council of procedure for the awarding of contracts for public works; amending subsection (a) of section 20, providing for the issuance of bonds, requiring approval at an election of owners of freeholds not wholly exempt from taxation, providing for the establishment of interest rate, and providing for the execution of said bonds; repealing all laws and parts of laws inconsistent herewith; and providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication
was established by the Senate as to
HB 1389.

HB 1389, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable John E. Mathews, Jr.
President of the Senate

May 6, 1969

Sir:

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

By Representative Savage and others—

HB 1392—A bill to be entitled An act amending Chapter 10335 Special Laws of Florida 1925, being the Charter of the Town of Belleair, Florida, as previously amended by Chapter 13917 Special Laws of Florida 1929, and by Chapter 30582 and 30583 Special Laws of Florida 1955, and Chapter 65-1260 Special Laws of Florida 1965, and Chapter 67-1105 Special Laws of Florida 1967, by amending Section 1 thereof to redefine the boundaries of the Town of Belleair; by amending Section 5 thereof to provide for reimbursement for expenses incurred by the Mayor and Commissioners of the Town; by amending Section 3 (f) thereof to grant to the Commissioners, officers and employees of the Town of Belleair all powers and authority previously granted prior to the enactment of the Constitution approved in November 1968 and becoming effective in January 1969 and all additional powers granted by such Constitution where such powers are not in conflict with such Constitution; by adding Section 3 (g) thereto to provide for the authorization of public contracts without competitive bidding where the amount thereof is not in excess of \$2500.00; by adding Section 3 (h) thereof to provide authority for the creation and maintenance of an employee pension, retirement and disability income fund for the benefit of Town employees and officers; by adding Section 3 (i) thereto providing authority for the Board of Commissioners of the Town to act to prevent emergencies and to provide for the declaration of emergencies and to designate officers and employees to act in such emergencies by ordinance of the Board of Commissioners; and providing for the severability of the provisions thereof; providing for the repeal of all laws in conflict herewith and providing for the effective date thereof.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication
was established by the Senate as to
HB 1392.

HB 1392, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable John E. Mathews, Jr.
President of the Senate

May 6, 1969

Sir:

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

By Representative McNulty and others—

HB 1373—A bill to be entitled An act relating to Osceola county; authorizing the board of county commissioners to appoint and employ a medical examiner and assistants; defining the responsibility, authority, qualifications and terms of employment; providing penalties for neglect to inform authorities of certain deaths; providing an effective date.

Proof of Publication attached.

By Representative McNulty and others—

HB 1375—A bill to be entitled An act amending paragraph (c) of section 3.16 of chapter 65-2166, Laws of Florida, Special Acts of 1965, being the charter of the city of St. Cloud, Florida, to provide for the effective date of ordinances and providing an effective date for this act.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication
was established by the Senate as to
House Bills 1373 and 1375.

House Bills 1373 and 1375, contained in the above message, were read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable John E. Mathews, Jr.
President of the Senate

May 6, 1969

Sir:

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

By Representative Arnold and others—

HB 832—A bill to be entitled An act relating to the State Road Department; bridge designation; naming the bridge crossing the St. Johns River from Collins Road to Mandarin in the City of Jacksonville, Florida, the "Buckman Bridge"; providing an effective date.

Proof of Publication attached.

By Representative Savage and others—

HB 1394—A bill to be entitled An act relating to the City of Oldsmar, amending section 55 of the city charter, chapter 18947, Laws of Florida, 1937, by prescribing an alternative method to make local improvements, special assessments; providing for a referendum.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication
was established by the Senate as to HB 832.

HB 832, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

HB 1394, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable John E. Mathews, Jr.
President of the Senate

May 6, 1969

Sir:

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

By Representative Murphy and others—

HB 1390—A bill to be entitled An act relating to the City of Tarpon Springs, Pinellas County; amending Section 8 of Chapter 21598; Laws of Florida, 1941; providing for the governing body of the City of Tarpon Springs; providing a referendum.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 1390, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable John E. Mathews, Jr.
President of the Senate

May 6, 1969

Sir:

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

By Representative Heath and others—

HB 1324—A bill to be entitled An act relating to the City of North Port Charlotte, Florida, authorizing and empowering the City Commissioners of North Port Charlotte, to require lots in the City of North Port Charlotte, be cleared of weeds, high grass, brush, debris or any noxious material; providing for notice to property owners for such clearance; providing a hearing for property owners before City Commissioners; authorizing the City Commissioners or independent contractor to clear the lots upon failure of the owner to comply with resolution of City Commissioners and to assess a lien against the land for the costs of clearance; providing for filing and recording of notice of lien; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 1324.

HB 1324, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable John E. Mathews, Jr.
President of the Senate

May 6, 1969

Sir:

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

By Representative Heath and others—

HB 1331—A bill to be entitled An act relating to Sarasota county; authorizing the board of county commissioners to borrow money for a period not to exceed one (1) year, at an interest rate not to exceed seven per cent (7%) per annum, for

the purpose of accomplishing a net interest income benefit to the county and authorizing that loans made for this purpose be secured solely by the pledge of time deposit certificates or other similar certificates and interest bearing government securities; prohibiting the pledging of the full faith and credit of the county for said purpose; authorizing the execution and delivery of necessary notes and pledges; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 1331.

HB 1331, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable John E. Mathews, Jr.
President of the Senate

May 6, 1969

Sir:

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

By Representative Heath and others—

HB 1325—A bill to be entitled An act relating to Sarasota county; amending sections 2, 6, 10 and 15 of chapter 67-2058, Laws of Florida, special acts of 1967; providing that the board of county commissioners shall use due diligence to fill a vacancy in the office of county administrator within sixty (60) days after a vacancy shall occur; providing that the administrator shall not have the authority to appoint advisory commissions or boards; clarifying the time for the holding of elections for the continuation in office of the administrator and for the continuation in effect of the act; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 1325.

HB 1325, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable John E. Mathews, Jr.
President of the Senate

May 6, 1969

Sir:

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

By Representative Savage and others—

HB 1382—A bill to be entitled An act relating to the City of Tarpon Springs, Pinellas County; amending Section 37 of Chapter 21598, Laws of Florida, 1941; providing a method for making local municipal improvements; providing a referendum.

By Representative Savage and others—

HB 1383—A bill to be entitled An act relating to the City of Tarpon Springs, Pinellas County; amending Section 38 of Chapter 21598, Laws of Florida, 1941; providing for sale and disposition of moneys realized on improvement certificates; providing a referendum.

By Representative Robinson and others—

HB 1384—A bill to be entitled An act amending chapter 15,505 laws of Florida, 1931, which is the charter of the City of St. Petersburg; amending subsection (i) of section 7 thereof, eliminating the provision for a white primary election and providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

House Bills 1382 and 1383, contained in the above message, were read the first time by title and referred to the Committee on Rules and Calendar.

Evidence of notice and publication was established by the Senate as to HB 1384.

HB 1384, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable John E. Mathews, Jr. May 6, 1969
President of the Senate

Sir:

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

By Representative Savage and others—

HB 1386—A bill to be entitled An act to amend Sections 161, 162, 164 and 166 of the Municipal Charter of the City of Clearwater, Pinellas County, Florida, being Chapter 9710, Special Acts of Florida, 1923, as amended by Chapter 21154, Section 1, Special Acts of Florida, 1941, by Chapter 22235, Sections 1 and 2, Special Acts of Florida, 1943, by Chapter 28971, Sections 1 and 2, Special Acts of Florida, 1953, by Chapter 61-2006, Section 29, Special Acts of Florida, 1961, by Chapter 63-1227, Sections 3 and 4, Special Acts of Florida, 1963, and by Chapter 65-1385, Sections 8 and 10, Special Acts of Florida, 1965, by changing references to Supervisor of Registration to Supervisor of Elections; by specifying that to be a qualified elector of the City of Clearwater, a person must be a qualified elector of the State of Florida and also the County of Pinellas; by changing references to City Auditor and Clerk to City Clerk; by providing for the required procedures for municipal candidates to be nominated and qualify for the offices of Mayor-Commissioner and City Commissioner of the City of Clearwater; providing for the severability of the provisions hereof; providing for the repeal of all laws in conflict herewith; and providing for the effective date thereof.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 1386.

HB 1386, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable John E. Mathews, Jr. May 6, 1969
President of the Senate

Sir:

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

By Representative Savage and others—

HB 1391—A bill to be entitled An act to amend Sections 47, 50 and 51 of the Municipal Charter of the City of Clearwater,

Pinellas County, Florida, being Chapter 9710, Special Acts of Florida, 1923, as amended by Chapter 27465, Section 1, Special Acts of Florida, 1951, and by Chapter 61-2006, Section 2, Special Acts of Florida, 1961, to provide for the procedure for the appointment of the Chief of Police, the Fire Chief and the City Clerk by the appointing authority of the City under its Civil Service Law; providing for the severability of the provisions hereof; providing for the repeal of all laws in conflict herewith; and providing for the effective date thereof.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 1391.

HB 1391, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable John E. Mathews, Jr. May 6, 1969
President of the Senate

Sir:

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

By Representative Heath and others—

HB 1332—A bill to be entitled An act relating to Sarasota county; amending sections 4, 5, 6, 8, 9 and 14 of chapter 31267, Laws of Florida, special acts of 1955, as amended by chapter 61-2865, Laws of Florida, special acts of 1961 and chapter 67-2034, Laws of Florida, special acts of 1967; providing for vaccination of dogs and cats against rabies; providing for issuance of certificates and tags; providing for a charge for vaccination; prescribing responsibility of owners of animals; providing for impounding of animals and destruction of vicious dogs; providing penalties for violation of this act; providing for re-enactment of chapter 31267, Laws of Florida, special acts of 1955, as amended; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 1332.

HB 1332, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

On motion by Senator Pope, by two-thirds vote, CS for SB 804 was removed from the table and recommitted to the Committee on Transportation, the unfavorable report of the Committee notwithstanding.

SPECIAL AND CONTINUING ORDER

SB 650—A bill to be entitled An act relating to the reorganization of the executive branch of government; providing for the creation of seventeen (17) executive departments of government, to be named: the department of general administrative services, the department of banking and finance, the department of community affairs, the department of highway safety and motor vehicles, the department of law enforcement, the department of transportation, the department of conservation and natural resources, the department of air and water pollution control, the department of records, archives, and history, the department of education, the department of agriculture, the department of business and professional regulation, the department of commerce, the department of insurance, the department of labor and industry, the department of citrus promotion

and development, and the department of health and rehabilitative services; providing for their administration and supervision; providing definitions; providing for the employment of department directors and other personnel; providing for rules and regulations for each department; providing authorization for each department to acquire property; providing for advisory committees; authorizing each department to enter into contracts; authorizing each department to accept gifts, grants, loans, and endowments; providing for divisions of each department; providing for the transfer to said departments of all executive functions of government not excluded by the State Constitution of 1968; creating a board of regents; providing for its membership; creating an air and water pollution control board; providing for its membership; abolishing those agencies, boards, commissions, authorities, and committees, the duties and powers of which have been transferred to any department created by this act; repealing Chapters 21, 417, 501, 290, and 489, Florida Statutes, and Sections 119.04 and 573.63, Florida Statutes; providing for confirmation by the senate; providing a severability clause; providing for conflicts, providing an effective date.

Was taken up together with the pending substitute amendment which was withdrawn by Senator Myers.

The question recurred on the pending amendment by the Committee on Governmental Organization. Further consideration of the amendment was deferred.

The Committee on Governmental Organization offered the following amendment which was moved by Senator Saylor:

In Section 12.(3), line 7, page 10, strike "(3) All of the authority, power, duties, responsibilities, personnel, and property of the board of commissioners of state institutions relating to surplus property, as defined by law, shall be assigned to the state purchasing division hereinabove created." and insert the following: (3) All of the authority, power, duties, responsibilities, personnel, and property of the board of commissioners of state institutions relating to surplus property, as defined by law, shall be assigned to a division of the department of general administrative services herein created, to be called the federal surplus property division.

Senators Saylor and Slade offered the following substitute amendment which was adopted on motion by Senator Saylor:

In Section 12, line 11, page 10, strike "state purchasing division hereinabove created." and insert the following: purchasing, supply and surplus property division hereinabove created.

Senators Saylor and Slade also offered the following amendment which was adopted on motion by Senator Saylor:

In Section 11(3) of Part II, page 9, line 17, strike the following words: "state purchasing division" and insert the following: purchasing, supply, and surplus property division

Senator Slade offered and moved the following amendment:

Line 24, page 75, strike the entire Part XI (which includes Sections 95 through 112) and insert the following:

PART XI DEPARTMENT OF EDUCATION

Section 95. State department of education.—

(1) The state department of education, as created under Part III of Chapter 229, Florida Statutes, is hereby renamed the department of education, and all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the state department of education and of the commissioner of education as created under Part II of Chapter 229, Florida Statutes, are hereby transferred to and shall be vested in the department of education, as herein created under part I of this act.

(2) All appropriations previously made or made at this session of the legislature for the use of the state department of education shall be transferred to the account of the department of education, herein created under part I of this act, and shall be construed to be for the use of the department of education.

Section 96. Organization of the department.—

(1) As used in this part, the word "board" shall refer to the board of education, as specified in Section 2., Article IX of the State Constitution. The governor shall be chairman of the board and the commissioner of education shall be the secretary and executive director.

(2) Four (4) members of the board shall constitute a quorum. No business may be transacted at any meeting unless a quorum is present.

Section 97. Powers and duties of the board.—The board shall be the chief policy-making and coordinating body of public education in Florida. It has the following general powers and duties:

(a) To adopt comprehensive educational objectives for public education;

(b) To adopt comprehensive long-range plans and short-range programs for the development of the state system of public education;

(c) To exercise general supervision over the divisions of the department of education to the extent necessary to insure coordination of educational plans and programs and resolve controversies;

(d) To adopt and transmit to the department of general administrative services on official forms furnished for such purposes on or before the date fixed in Section 216.02, Florida Statutes, prior to the meeting of the state legislature, estimates of expenditure requirements for all agencies and services under the general supervision of the board for the ensuing fiscal year;

(e) To hold meetings, transact business, keep records, adopt a seal, and perform such other duties as may be necessary for the enforcement of all laws and regulations relating to the state system of public education;

(f) To have possession of, and manage all lands granted to or held by the state for educational purposes;

(g) To administer the state school fund;

(h) To approve plans for cooperating with the federal government and, pursuant thereto by regulation, to accept funds, create subordinate state boards, and provide the necessary administration required by any federal program;

(i) To approve plans for cooperating with other public agencies in the development of regulations, and in the enforcement of laws for which the board and such agencies are jointly responsible;

(j) To approve plans for cooperating with appropriate non-public agencies for the improvement of conditions relating to the welfare of schools;

(k) To appoint such advisory bodies as may be required by law, or as it may find necessary to accomplish its powers and duties;

(l) To authorize, approve, and require to be used, such forms as are needed to promote uniformity, accuracy, or completeness in executing contracts, keeping records, or making reports.

Section 98. Duties and functions of the commissioner of education.—The commissioner of education is the chief educational officer of the state and has the following general powers and duties:

(a) To appoint staff necessary to carry out his powers and duties;

(b) To advise and counsel with the state board of education on all matters pertaining to education; to recommend to the board, actions and policies as, in his opinion, should be acted upon or adopted; and to execute or provide for the execution of all acts and policies as are approved;

(c) To call such special meetings of the board as he shall deem necessary;

(d) To keep such records as are necessary to set forth clearly all acts and proceedings of the state board;

(e) To have a seal for his office with which, in connection with his own signature, he shall authenticate true copies of decisions, acts, or documents;

(f) To assemble all data relative to the preparation of the long-range plan for the development of the state system of public education; to propose for adoption by the state board of education such a plan; and to propose revisions in the plan as may be necessary;

(g) To recommend to the state board of education, policies and steps designed to protect and preserve the principal of the state school trust fund; to provide an assured and stable income from the fund; and to execute such policies and actions as are approved;

(h) To investigate and submit proposals for sale of all school lands held by the state for educational purposes; to recommend policies for rental, use, or improvement of such lands and for preserving them from trespass or injury, and to execute such policies as are approved;

(i) To submit to the state board of education at least thirty (30) days prior to the date fixed in Section 216.02, Florida Statutes, recommendations of expenditures for the state board and the office of the commissioner of education and for the divisions of the department for the ensuing fiscal year;

(j) To recommend ways and means of cooperating with the federal government in carrying out any or all phases of the educational program; to recommend policies for administering funds which may be appropriated by congress and apportioned to the state for any or all educational purposes;

(k) To recommend policies for cooperating with other public agencies in carrying out those phases of the program in which such cooperation is required by law, or is deemed by him to be desirable; to cooperate with public and nonpublic agencies in planning and bringing about improvements in the educational program;

(l) To prepare for approval of the state board of education such forms and procedures as are deemed necessary to be used by district school boards, and all other educational agencies to assure uniformity, accuracy, and efficiency in the keeping of records, the execution of contracts, the preparation of budgets, or the submission of reports; to furnish at state expense when deemed advisable by him, those forms which can more economically and efficiently be provided;

(m) To arrange for the preparation, publication, and distribution of materials relating to the state system of public education which will supply information concerning needs, problems, plans, possibilities; also to prepare and publish at least biennially a report giving statistics and other useful information pertaining to the state system of public education; to have printed copies of school laws, forms, instruments, instructions, and regulations of the state board of education, and to provide for the distribution of the same.

Section 99. Divisions of the department.—

(1) The following divisions of the department of education are established:

- (a) Division of public schools;
- (b) Division of junior colleges and vocational education;
- (c) Division of higher education.

(2) The directors of the three (3) divisions are provided for as follows:

(a) The board of education, upon the recommendation of the commissioner of education, shall employ a director of the division of primary and secondary education;

(b) The board of education, upon the recommendation of the commissioner of education, shall employ a director of the division of community education;

(c) The board of education, upon the recommendation of the commissioner of education, shall employ a director of the division of higher education.

Section 100. Transfers to the divisions and department.—

(1) All powers, duties, responsibilities, and functions of the commissioner of education and the existing department of education which pertain to kindergarten through twelfth (12th) grade education are assigned to the division of public schools.

(2) All powers, duties, responsibilities and functions of the commissioner of education and the existing department of education which pertain to junior colleges and area vocational technical centers are assigned to the division of junior colleges and vocational education.

(3) All powers, duties, responsibilities, and functions not otherwise transferred or provided for by this act, of the commissioner of education and the existing department of education are assigned to the department of education established by this act.

Section 101. Junior college board.—

(1) There is hereby transferred to the department of education, herein created under part I of this act, all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the junior college board.

(2) All appropriations previously made or made at this session of the legislature for the use of the junior college board shall be transferred to the account of the department of education, herein created under part I of this act, and shall be construed to be for the use of the department of education.

(3) All of the authority, power, duties, responsibilities, personnel, and property of the junior college board are hereby assigned to the division of junior colleges and vocational education of the department of education, as hereinabove created.

(4) The junior college board is hereby renamed and reconstituted the junior college advisory board. Those persons serving as members of the junior college board upon the effective date of this act shall continue to serve as members of the junior college advisory board, subject to such rules and regulations as may be adopted by the department of education, as hereinabove created under part I of this act.

(5) Notwithstanding anything contained in law to the contrary, all members of any local junior college district board of trustees shall be appointed by the board of education, upon the recommendation of the commissioner of education; provided, however, that the provisions of this act shall not affect the terms of existing members of such local district junior college board of trustees.

Section 102. Public school board.—

(1) There is hereby transferred to the department of education, herein created under part I of this act, all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the public school board.

(2) All appropriations previously made or made at this session of the legislature for the use of the public school board shall be transferred to the account of the department of education, herein created under part I of this act, and shall be construed to be for the use of the department of education.

(3) All of the authority, power, duties, responsibilities, personnel, and property of the public school board are hereby assigned to the division of public schools of the department of education, as hereinabove created.

(4) The public school board is hereby renamed and reconstituted the public school advisory board. Those persons serving as members of the public school board upon the effective date of this act shall continue to serve as members of the public school advisory board, subject to such rules and regulations as may be adopted by the department of education as hereinabove created under part I of this act. It shall be the function of the public school advisory board to act in an advisory capacity to the director of the division of public schools regarding the functions and responsibilities of the division.

Section 103. Board of vocational education.—

(1) There is hereby transferred to the department of education, herein created under part I of this act, all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the board of vocational education.

(2) All appropriations previously made or made at this session of the legislature for the use of the board of vocational education shall be transferred to the account of the department of education, herein created under part I of this act, and shall be construed to be for the use of the department of education.

(3) All of the authority, power, duties, responsibilities, personnel, and property of the board of vocational education are hereby assigned to the division of junior colleges and vocational education, as hereinabove created; provided, however, that the provisions of this section shall not apply to the authority, power, duties, responsibilities, personnel, property, and appropriations of the board of vocational education relating to the division of vocational rehabilitation of the board of vocational education.

Section 104. Industry services advisory board.—

(1) The industry services advisory board shall continue as the industry services advisory board pursuant to the provisions of this act, and shall be authorized to perform all of the functions and duties heretofore vested in it. This act shall not affect the terms of office of the present members of such board.

(2) All appropriations previously made or made at this session of the legislature for the use of the industry services advisory board shall be transferred to the account of the department of education, herein created under part I of this act, and shall be construed to be for the use of the department of education.

Section 105. Professional practices commission.—

(1) There is hereby transferred to the department of education, herein created under part I of this act, all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the professional practices commission.

(2) All appropriations previously made or made at this session of the legislature for the use of the professional practices commission shall be transferred to the account of the department of education, herein created under part I of this act, and shall be construed to be for the use of the department of education.

Section 106. Textbook purchasing commission.—

(1) There is hereby transferred to the department of education, herein created under part I of this act, all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the textbook purchasing commission.

(2) All appropriations previously made or made at this session of the legislature for the use of the textbook purchasing commission shall be transferred to the account of the department of education, herein created under part I of this act, and shall be construed to be for the use of the department of education.

Section 107. Florida student scholarship and loan commission.—

(1) There is hereby transferred to the department of education, herein created under part I of this act, all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the Florida student scholarship and loan commission.

(2) All appropriations previously made or made at this session of the legislature for the use of the Florida student scholarship and loan commission shall be transferred to the account of the department of education, herein created under part I of this act, and shall be construed to be for the use of the department of education.

Section 108. Board of private education.—

(1) There is hereby transferred to the department of education, herein created under part I of this act, all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the board of private education.

(2) All appropriations previously made or made at this session of the legislature for the use of the board of private education shall be transferred to the account of the department of education, herein created under part I of this act, and shall be construed to be for the use of the department of education.

Section 109. Florida education council.—

(1) The Florida education council shall continue as the Florida education council pursuant to the provisions of this act, and shall be authorized to perform all of the functions and duties heretofore vested in it. This act shall not affect the terms of office of the present members of such council.

(2) All appropriations previously made or made at this session of the legislature for the use of the Florida education council shall be transferred to the account of the department of education, herein created under part I of this act, and shall be construed to be for the use of the department of education.

Section 110. National education compact commission.—

(1) The national education compact commission shall continue as the national education compact commission pursuant to the provisions of this act, and shall be authorized to perform all of the functions and duties heretofore vested in it. This act shall not affect the terms of office of the present members of such commission.

(2) All appropriations previously made or made at this session of the legislature for the use of the national education compact commission shall be transferred to the account of the department of education, herein created under part I of this act, and shall be construed to be for the use of the department of education.

Section 111. Teacher education advisory council.—

(1) The teacher education advisory council shall continue as the teacher education advisory council pursuant to the provisions of this act, and shall be authorized to perform all of the functions and duties heretofore vested in it. This act shall not affect the terms of office of the present members of such council.

(2) All appropriations previously made or made at this session of the legislature for the use of the teacher education advisory council shall be transferred to the account of the department of education, herein created under part I of this act, and shall be construed to be for the use of the department of education.

Section 112. Course of study committee.—

(1) The course of study committee shall continue as the course of study committee pursuant to the provisions of this act, and shall be authorized to perform all of the functions and duties heretofore vested in it. This act shall not affect the terms of office of the present members of such committee.

(2) All appropriations previously made or made at this session of the legislature for the use of the course of study committee shall be transferred to the account of the department of education, herein created under part I of this act, and shall be construed to be for the use of the department of education.

Section 113. Board of regents.—

(1) There is hereby transferred to the department of education, herein created under part I of this act, all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the board of regents.

(2) All appropriations previously made or made at this session of the legislature for the use of the board of regents shall be transferred to the account of the department of education, herein created under part I of this act, and shall be construed to be for the use of the department of education.

(3) All of the authority, power, duties, responsibilities, personnel, and property of the board of regents are hereby assigned to the division of higher education of the department of education, as hereinabove created.

(4) The board of regents is hereby renamed and reconstituted the higher education advisory board. Those persons serving as members of the board of regents upon the effective date of this act shall continue to serve as members of the higher education advisory board, subject to such rules and regulations as may be adopted by the department of education as hereinabove created under part I of this act.

Section 114. Board of control for southern regional education.—

(1) The board of control for southern regional education shall continue as the board of control for southern regional education pursuant to the provisions of this act, and shall be authorized to perform all of the functions and duties heretofore vested in it. This act shall not affect the terms of office of the present members of such board.

(2) All appropriations previously made or made at this session of the legislature for the use of the board of control for southern regional education shall be transferred to the account of the department of education, herein created under part I of this act, and shall be construed to be for the use of the department of education.

Section 115. Southern regional educational compact.—

(1) The southern regional educational compact shall continue as the southern regional educational compact pursuant to the provisions of this act, and shall be authorized to perform all of the functions and duties heretofore vested in it. This act shall not affect the terms of office of the present members of such compact.

(2) All appropriations previously made or made at this session of the legislature for the use of the southern regional educational compact shall be transferred to the account of the department of education, herein created under part I of this act, and shall be construed to be for the use of the department of education.

Section 116. Florida school for the deaf and the blind.—

(1) There is hereby transferred to the department of education, herein created under part I of this act, all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the Florida school for the deaf and the blind.

(2) All appropriations previously made or made at this session of the legislature for the use of the Florida school for the deaf and the blind shall be transferred to the account of the department of education, herein created under part I of this act, and shall be construed to be for the use of the department of education.

Section 117. Miscellaneous transfers.—Except as otherwise provided herein, all of the powers, duties, responsibilities, and functions of the state board of education are transferred to the department of education for reassignment by the board to the commissioner of education or the appropriate division or divisions of the department of education.

Section 118. All appointments to any advisory board created herein shall be made by the board of education upon the recommendation of the commissioner of education. In making such recommendations, the commissioner of education shall submit to the board of education two (2) names for each appointment, from which names the board of education shall choose one.

and renumber subsequent sections.

Senators Boyd and Myers offered the following substitute amendment which was moved by Senator Boyd:

Part XI, In Section 95, line 26, page 75, strike: Entire part XI commencing on line 26, page 75, and continuing through line 27, page 86. and insert the following:

Section 95. Department of education.—

(1) The state department of education, as created under Part III of Chapter 229, Florida Statutes, is hereby renamed the department of education, and all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the state department of education, of the state board of education and of the state superintendent of education are hereby transferred to and shall be vested in the department of education as herein created, under Part I of this act.

(2) All appropriations previously made or made at this session of the legislature for the use of the state department of education, the state board of education and the commissioner of education shall be transferred to the account of the department of education, herein created under Part I of this act, and shall be construed to be for the use of the department of education.

Section 96. Organization of the department.—

(1) As used in this part, the word "board" shall refer to the board of education, as specified in Section 2, Article IV of the Constitution. The governor shall be chairman of the board and the commissioner of education shall be the secretary and executive director.

(2) Four members of the board shall constitute a quorum. No business may be transacted at any meeting unless a quorum is present.

Section 97. Powers and duties of the board.—The board shall be the chief policy making and coordinating body of public education in Florida. The board, upon recommendation of the commissioner, shall employ staff necessary to carry out the duties and responsibilities of the board and the commissioner. In addition to the general powers in section 229.051, Florida Statutes it shall have the following specific powers and duties:

(a) To adopt comprehensive educational objectives for public education;

(b) To adopt comprehensive long-range plans and short-range programs for the development of the state system of public education;

(c) To exercise general supervision over the divisions of the department of education to the extent necessary to insure coordination of educational plans and programs and resolve controversies;

(d) To adopt and transmit to the department of administration and to the legislature on official forms furnished for such purposes on or before the date fixed in section 216.02, Florida Statutes, prior to the meeting of the state legislature, estimates of expenditure requirements for all agencies and services under the general supervision of the board for the ensuing fiscal year;

(e) To hold meetings, transact business, keep records, adopt a seal, and perform such other duties as may be necessary for the enforcement of all laws and regulations relating to the state system of public education;

(f) To have possession of, and manage all lands granted to or held by the state for educational purposes;

(g) To administer the state school fund;

(h) To approve plans for cooperating with the federal government and, pursuant thereto, by regulations to accept funds, and provide the necessary administration required by any federal program;

(i) To approve plans for cooperating with other public agencies in the development of regulations and in the enforcement of laws for which the board and such agencies are jointly responsible;

(j) To approve plans for cooperating with appropriate non-public agencies for the improvement of conditions relating to the welfare of schools;

(k) To appoint such advisory bodies as may be required by law or as it may find necessary to accomplish its powers and duties;

(l) To authorize, approve, and require to be used such forms as are needed to promote uniformity, accuracy, or completeness in executing contracts, keeping records, or making reports; and

(m) To constitute the state board for vocational education or other structures as may be required by the acts of Congress.

Section 98. Powers and duties of the commissioner of education.—The commissioner of education is the chief educational officer of the state and has the following general powers and duties:

(a) To advise and counsel with the state board of education on all matters pertaining to education; to recommend to the board actions and policies as, in his opinion, should be acted upon or adopted; and to execute or provide for the execution of all acts and policies as are approved;

(b) To call such special meetings of the board as he shall deem necessary;

(c) To keep such records as are necessary to set forth clearly all acts and proceedings of the state board;

(d) To have a seal for his office, with which, in connection with his own signature, he shall authenticate true copies of decisions, acts or documents;

(e) To assemble all data relative to the preparation of the long-range plan for the development of the state system of public education; to propose for adoption by the state board of education such a plan; and to propose revisions in the plan, as may be necessary;

(f) To recommend to the state board of education policies and steps designed to protect and preserve the principal of the state school trust fund and to provide an assured and stable income from the fund, and to execute such policies and actions as are approved;

(g) To investigate and submit proposals for sale of all school lands held by the state for educational purposes; to recommend policies for rental, use, or improvement of such lands and for preserving them from trespass or injury, and to execute such policies as are approved;

(h) To submit to the state board of education and to the legislature, at least thirty (30) days prior to the date fixed in section 216.02, Florida Statutes, recommendations of expenditures for the state board and the office of the commissioner of education and for the divisions of the department for the ensuing fiscal year;

(i) To recommend ways and means of cooperating with the federal government in carrying out any or all phases of the educational program. To recommend policies for administering funds which may be appropriated by congress and apportioned to the state for any or all educational purposes;

(j) To recommend policies for cooperating with other public agencies in carrying out those phases of the program in which such cooperation is required by law or is deemed by him to be desirable. To cooperate with public and nonpublic agencies in planning and bringing about improvements in the educational program;

(k) To prepare for approval of the state board of education such forms and procedures as are deemed necessary to be used by the board of regents, the boards of trustees of junior colleges, district school boards, and all other education agencies to assure uniformity, accuracy, and efficiency in the keeping of records, the execution of contracts, the preparation of budgets, or the submission of reports; to furnish at state expense, when deemed advisable by him, those forms which can more economically and efficiently be provided; and

(l) To arrange for the preparation, publication, and distribution of materials relating to the state system of public education which will supply information concerning needs, problems, plans, possibilities; also to prepare and publish at least biennially a report giving statistics and other useful information pertaining to the state system of public education to have printed copies of school laws, forms, instruments, instructions and regulations of the state board of education and to provide for the distribution of same.

Section 99. Divisions of the department of education.—The following divisions of the department of education are established.

(a) Division of the elementary and secondary education

(b) Division of junior colleges

(c) Division of universities

The directors of the three divisions are provided for as follows:

(a) The board, upon the recommendation of the commissioner of education, shall employ a director of the division of elementary and secondary education.

(b) The board, upon the recommendation of the commissioner of education, shall employ a director of the division of junior colleges.

(c) The board of regents as constituted herein, is the director of the division of universities.

Section 100. Transfers to the Divisions and Department.—

(1) All powers, duties, responsibilities and functions of the commissioner of education and the existing department of education that pertain to educational programs operated under district school boards are assigned to the division of elementary and secondary education.

(2) All powers, duties, responsibilities and functions of the commissioner of education and the existing department of education that pertain to junior colleges are assigned to the division of junior colleges.

(3) All powers, duties, responsibilities and functions of the board of regents are assigned to the division of universities.

(4) All powers, duties, responsibilities and functions, not otherwise transferred or provided for by this act, of the state board of education, the commissioner of education and the existing department of education are assigned to the department of education established by this act for reassignment by the commissioner and the board to the appropriate division of the department.

Section 101. State junior college board.—

(1) There is hereby transferred to the department of education, herein created under part I of this act, all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the state junior college board.

(2) All appropriations previously made or made at this session of the legislature for the use of the state junior college board shall be transferred to the account of the department of education, herein created under part I of this act, and shall be construed to be for use of the department of education.

(3) All of the authority, power, duties, responsibilities, personnel, and property of the state junior college board shall be assigned to the division of junior colleges.

(4) The junior college board is hereby re-named and reconstituted the junior college advisory board. Those persons serving as members of the state junior college board upon the effective date of this act, shall continue to serve as members of the junior college advisory board subject to such rules and regulations as may be adopted by the department of education. The state junior college advisory board shall act in an advisory capacity to the director of the division of junior colleges and shall perform such other duties as shall be assigned by the state board of education.

(5) Notwithstanding anything contained in law to the contrary, all members of any junior college district board of trustees shall be appointed by the state board of education, upon the recommendation of the commissioner of education; provided, however, that the provisions of this act shall not affect the terms of existing members of district junior college board of trustees.

Section 102. Florida public school board.—

(1) There is hereby transferred to the department of education, herein created under part I of this act, all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the Florida public school board.

(2) All appropriations previously made or made at this session of the legislature for the use of the Florida public school board shall be transferred to the account of the department of education, herein created under part I of this act, and shall be construed to be for the use of the department of education.

(3) All of the authority, power, duties, responsibilities, personnel, and property of the Florida public school board shall be assigned to the division of elementary and secondary education.

(4) The Florida public school board is hereby re-named and reconstituted the Florida public school advisory board. Those persons serving as members of the Florida public school board upon the effective date of this act, shall continue to serve as members of the Florida public school advisory board subject to such rules and regulations as may be adopted by the department of education. The Florida public school board shall act in an advisory capacity to the director of the division of elementary and secondary education and shall perform such other duties as shall be assigned by the state board of education.

Section 103. Industry services advisory board.—

(1) There is hereby transferred to the department of education, herein created under part I of this act, all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the industry services advisory board.

(2) All appropriations previously made or made at this session of the legislature for the use of the industry services advisory board shall be transferred to the account of the department of education, herein created under part I of this act, and shall be construed to be for the use of the department of education.

(3) All of the authority, power, duties, responsibilities, personnel, and property of the industry services advisory board shall be assigned to the division of elementary and secondary education.

(4) The industry services advisory board is hereby reconstituted the industry services advisory board. Those persons serving as members of the industry services advisory board upon the effective date of this act, shall continue to serve as members of the industry services advisory board subject to rules and regulations as may be adopted by the department of education. The industry services advisory board shall act in an advisory capacity to the director of the division of elementary and secondary education and shall perform such other duties as shall be assigned by the state board of education.

Section 104. Professional practices commission.—

(1) There is hereby transferred to the department of education, herein created under part I of this act, all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the professional practices commission.

(2) All appropriations previously made or made at this session of the legislature for the use of the professional practices commission shall be transferred to the account of the department of education, herein created under part I of this act, and shall be construed to be for the use of the department of education.

(3) All of the authority, power, duties, responsibilities, personnel, and property of the professional practices commission shall be assigned to the division of elementary and secondary education.

(4) The professional practices commission is hereby reconstituted the professional practices commission. Those persons serving as members of the professional practices commission upon the effective date of this act, shall continue to serve as members of the professional practices commission subject to rules and regulations as may be adopted by department of education. The professional practices commission shall act in an advisory capacity to the director of the division of elementary and secondary education and shall perform such other duties as shall be assigned by the state board of education.

Section 105. Florida student scholarship and loan commission.—

(1) There is hereby transferred to the department of education, herein created under part I of this act, all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the Florida student scholarship and loan commission.

(2) All appropriations previously made or made at this session of the legislature for the use of the Florida student scholarship and loan commission shall be transferred to the account of the department of education, herein created under part I of this act, and shall be construed to be for the use of the department of education.

(3) All of the authority, power, duties, responsibilities, personnel, and property of the Florida student scholarship and loan commission shall be assigned to the division of elementary and secondary education.

(4) The Florida student scholarship and loan commission is hereby reconstituted the Florida student scholarship and loan commission. Those persons serving as members of the Florida student scholarship and loan commission upon the effective

date of this act, shall continue to serve as members of the Florida student scholarship and loan commission subject to rules and regulations as may be adopted by the department of education. The Florida student scholarship and loan commission shall act in an advisory capacity to the director of the division of elementary and secondary education and shall perform such other duties as shall be assigned by the state board of education.

Section 106. Florida education council.—

(1) There is hereby transferred to the department of education, all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the Florida education council.

(2) All appropriations previously made or made at this session of the legislature for the use of the Florida education council shall be transferred to the account of the department of education, herein created under part I of this act, and shall be construed to be for the use of the department of education.

Section 107. National education compact commission.—

(1) The national education compact commission shall continue as the national education compact commission pursuant to the provisions of this act, and shall be authorized to perform all of the functions and duties heretofore vested in it. This act shall not affect the terms of office of the present members of such commission.

(2) All appropriations previously made or made at this session of the legislature for the use of the national education compact commission shall be transferred to the account of the department of education, herein created under part I of this act, and shall be construed to be for the use of the department of education.

Section 108. Teacher education advisory council.—

(1) The teacher education advisory council shall continue as the teacher education advisory council pursuant to the provisions of this act, and shall be authorized to perform all of the functions and duties heretofore vested in it. This act shall not affect the terms of office of the present members of such council.

(2) All appropriations previously made or made at this session of the legislature for the use of the teacher education advisory council shall be transferred to the account of the department of education, and shall be construed to be for the use of the department of education.

(3) All of the authority, power, duties, responsibilities, personnel, property, and appropriations of the teacher education advisory council shall be assigned to the division of elementary and secondary education.

(4) The teacher education advisory council shall act in an advisory capacity to the director of the division of elementary and secondary education and shall perform such other duties as shall be assigned by the state board of education.

Section 109. Course of study committee.—

(1) The course of study committee shall continue as the course of study committee pursuant to the provisions of this act, and shall be authorized to perform all of the functions and duties heretofore vested in it. This act shall not affect the terms of office of the present members of such committee.

(2) All appropriations previously made or made at this session of the legislature for the use of the course of study committee shall be transferred to the account of the department of education, herein created under part I of this act, and shall be construed to be for the use of the department of education.

(3) All of the authority, power, duties, responsibilities, personnel, property, and appropriations of the course of study committee shall be assigned to the division of elementary and secondary education.

(4) The course of study committee shall act in advisory capacity to the director of the division of elementary and secondary education and shall perform such other duties as shall be assigned by the state board of education.

Section 110. Board of Regents.—

(1) There is hereby transferred to the department of education, all of the authority, powers, duties, responsibilities, personnel, property, and appropriations of the board of regents.

(2) All appropriations previously made or made at this session of the legislature for the use of the board of regents shall be transferred to the account of the department of education, and shall be construed to be for the use of the department of education.

(3) All of the authority, power, duties, responsibilities, personnel, and property of the board of regents shall be assigned to the division of universities. The division of universities shall be under the general supervision of a board to be called the board of regents, which shall consist of nine (9) citizens of this state selected from the state at large, representative of the geographical areas of the state, who shall have been residents and citizens thereof for a period of at least ten (10) years prior to their appointment and who shall be appointed by the board of education, upon recommendation of the commissioner of education, for nine (9) year terms, to be staggered in a manner provided by the board, or until their successors are appointed and qualified; except, in case of appointment to fill a vacancy, in which case the appointment shall be for the unexpired term.

Section 111. Board of control for southern regional education.—

(1) The board of control for southern regional education shall continue as the board of control for southern regional education pursuant to the provisions of this act, and shall be authorized to perform all of the functions and duties heretofore vested in it. This act shall not affect the terms of office of the present members of such board.

(2) All appropriations previously made or made at this session of the legislature for the use of the board of control for southern regional education shall be transferred to the account of the department of education, herein created under part I of this act, and shall be construed to be for the use of the department of education.

Section 112. Southern regional educational compact.—

(1) The southern regional educational compact shall continue as the southern regional educational compact pursuant to the provisions of this act, and shall be authorized to perform all of the functions and duties heretofore vested in it. This act shall not affect the terms of office of the present members of such compact.

(2) All appropriations previously made or made at this session of the legislature for the use of the southern regional educational compact shall be transferred to the account of the department of education, herein created under part I of this act, and shall be construed to be for the use of the department of education.

Section 113. Florida school for the deaf and blind.—

(1) There is hereby transferred to the department of education, all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the Florida school for the deaf and the blind.

(2) All appropriations previously made or made at this session of the legislature for the use of the Florida school for the deaf and blind shall be transferred to the account of the department of education, and shall be construed to be for the use of the department of education.

(3) All authority, power, duties, responsibilities, personnel, property, and appropriations of the Florida school for the deaf and blind shall be assigned to the division of elementary and secondary education.

(4) The board of trustees for the Florida school for the deaf and the blind is hereby reconstituted the board of trustees for the Florida school for the deaf and the blind. Those persons serving as members of the board of trustees upon the effective date of this act, shall continue to serve as members of the board of trustees subject to rules and regulations as may be adopted by the state board of education. The board of trustees for the Florida school for the deaf and the blind shall act in an advisory capacity to the director of the division of elementary

and secondary education and shall perform such other duties as shall be assigned by the state board of education.

Section 114. Notwithstanding anything contained in law to the contrary, all members of all boards authorized herein shall be made by the state board of education from two or more names nominated for each position by the commissioner of education. In the absence of an acceptable recommendation by the commissioner, the board may proceed to make its own selection.

Section 115. Miscellaneous transfers.—Except as otherwise provided herein, all powers, duties, responsibilities, and functions of the state board of education are transferred to the department of education for reassignment by the board to the commissioner of education or the appropriate division or divisions of the department of education.

Senator Boyd offered the following amendment to the substitute amendment which was adopted:

Part XI, in Section 97, line 4 of section 97, page 2, following the words "the board and the commissioner"—insert the following: including one staff member, under the supervision of the commissioner, who shall be responsible for the coordination of all vocational-technical education programs of the department of education.

Senators Karl and Thomas offered the following amendment to the substitute amendment which was moved by Senator Karl:

Strike the following:

Section 99 (the entire section)
Section 100 (the entire section)

and insert the following:

Section 99. Divisions of the department of education.—

(1) The following divisions of the department of education are established:

- (a) Division of elementary and secondary education;
- (b) Division of junior colleges;
- (c) Division of universities;
- (d) Division of vocational and technical education.

(2) The directors of the divisions are provided for as follows:

(a) The board, upon the recommendation of the commissioner of education, shall employ a director of the division of elementary and secondary education;

(b) The board, upon the recommendation of the commissioner of education shall employ a director of the division of junior colleges;

(c) The board, upon the recommendation of the commissioner of education, shall employ a director of the division of vocational and technical education;

(d) The board of regents, as constituted herein, is the director of the division of universities.

Section 100. Transfers to the divisions and department.—

(1) Except as otherwise herein provided, all powers, duties, responsibilities and functions of the commissioner of education and the existing department of education that pertain to educational programs operated under district school boards are assigned to the division of elementary and secondary education.

(2) Except as otherwise herein provided, all powers, duties, responsibilities and functions of the commissioner of education and the existing department of education that pertain to junior colleges are assigned to the division of junior colleges.

(3) All powers, duties, responsibilities and functions of the commissioner of education and the existing department of education that pertain to vocational and technical education are assigned to the division of vocational and technical education.

(4) All powers, duties, responsibilities and functions of the board of regents are assigned to the division of universities.

(5) All powers, duties, responsibilities and functions, not otherwise transferred or provided for by this act, of the state

board of education, the commissioner of education and the existing department of education are assigned to the department of education established by this act for reassignment by the commissioner and the board to the appropriate division of the department.

(renumber subsequent pages)

Pending consideration of the foregoing amendment to the substitute amendment, the hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:30 p.m. to reconvene at 1:30 p.m., this day.

AFTERNOON SESSION

The Senate was called to order by the President at 1:30 p.m. A quorum present—47:

Mr. President	de la Parte	Lane	Stone
Askew	Ducker	McClain	Thomas
Bafalis	Fincher	Myers	Trask
Barron	Friday	Ott	Weber
Barrow	Gong	Pope	Weissenborn
Beaufort	Gunter	Poston	Williams
Bell	Haverfield	Reuter	Wilson
Bishop	Henderson	Saunders	Young
Boyd	Hollahan	Sayler	
Broxson	Horne	Scarborough	
Chiles	Johnson	Shevin	
Daniel	Karl	Slade	
Deeb	Knopke	Stolzenburg	

The Senate resumed consideration of—

SPECIAL AND CONTINUING ORDER

SB 650—A bill to be entitled An act relating to the reorganization of the executive branch of government; providing for the creation of seventeen (17) executive departments of government, to be named: the department of general administrative services, the department of banking and finance, the department of community affairs, the department of highway safety and motor vehicles, the department of law enforcement, the department of transportation, the department of conservation and natural resources, the department of air and water pollution control, the department of records, archives, and history, the department of education, the department of agriculture, the department of business and professional regulation, the department of commerce, the department of insurance, the department of labor and industry, the department of citrus promotion and development, and the department of health and rehabilitative services; providing for their administration and supervision; providing definitions; providing for the employment of department directors and other personnel; providing for rules and regulations for each department; providing authorization for each department to acquire property; providing for advisory committees; authorizing each department to enter into contracts; authorizing each department to accept gifts, grants, loans, and endowments; providing for divisions of each department; providing for the transfer to said departments of all executive functions of government not excluded by the State Constitution of 1968; creating a board of regents; providing for its membership; creating an air and water pollution control board; providing for its membership; abolishing those agencies, boards, commissions, authorities, and committees, the duties and powers of which have been transferred to any department created by this act; repealing Chapters 21, 417, 501, 290, and 489, Florida Statutes, and Sections 119.04 and 573.63, Florida Statutes; providing for confirmation by the senate; providing a severability clause; providing for conflicts; providing an effective date.

The amendment to the substitute amendment which was pending at the hour of recess failed. The vote was:

Yeas—23

Askew	Daniel	Knopke	Stone
Bafalis	Fincher	McClain	Thomas
Barron	Haverfield	Ott	Weber
Beaufort	Henderson	Pope	Weissenborn
Bell	Johnson	Scarborough	Williams
Bishop	Karl	Shevin	

Nays—23

Mr. President	Broxson	Deeb	Ducker
Boyd	Chiles	de la Parte	Friday

Gong	Lane	Saunders	Trask
Gunter	Myers	Sayler	Wilson
Hollahan	Poston	Slade	Young
Horne	Reuter	Stolzenburg	

Senator Johnson offered the following amendment to the substitute amendment which failed:

In Section 101(5), line 20, page 7 of the substitute amendment, strike the following words: "state board of education," upon the recommendation of the commissioner of education" and insert the following: governor

The question recurred on the adoption of the substitute amendment as amended and the substitute amendment was adopted. The vote was:

Yeas—24

Mr. President	Daniel	Haverfield	Myers
Askew	de la Parte	Hollahan	Ott
Barron	Ducker	Horne	Pope
Boyd	Friday	Karl	Saunders
Broxson	Gong	Knopke	Stone
Chiles	Gunter	Lane	Trask

Nays—19

Bafalis	Fincher	Sayler	Weissenborn
Beaufort	Henderson	Scarborough	Williams
Bell	Johnson	Shevin	Wilson
Bishop	Poston	Slade	Young
Deeb	Reuter	Thomas	

By unanimous consent, Senators Thomas and Bishop changed their votes from nay to yeas.

Senator Slade offered and moved the following amendment:

Part I of Section 2(10), line 20, page 4, strike "commissioner of education;" and insert the following: state board of education;

Senators Boyd and Myers offered the following substitute amendment which was moved by Senator Boyd and adopted:

Part I in Section 2(10), line 20, page 4, strike: commissioner of education and insert the following: board of education composed of the governor and cabinet as specified in Section 2 Article IX of the Constitution

Senator Karl was granted unanimous consent to offer the following amendment, previously offered as an amendment to a substitute amendment:

Strike:

Section 99 (the entire section)
Section 100 (the entire section)

and insert the following:

Section 99. Divisions of the department of education.—

(1) The following divisions of the department of education are established:

- (a) Division of the elementary and secondary education;
- (b) Division of junior colleges;
- (c) Division of universities;
- (d) Division of vocational and technical education.

(2) The directors of the divisions are provided for as follows:

(a) The board, upon the recommendation of the commissioner of education, shall employ a director of the division of elementary and secondary education;

(b) The board, upon the recommendation of the commissioner of education, shall employ a director of the division of junior colleges;

(c) The board, upon the recommendation of the commissioner of education, shall employ a director of the division of vocational and technical education;

(d) The board of regents, as constituted herein, is the director of the division of universities.

Section 100. Transfers to the divisions and department.—

(1) Except as otherwise herein provided, all powers, duties, responsibilities and functions of the commissioner of education and the existing department of education that pertain to educational programs operated under district school boards are assigned to the division of elementary and secondary education.

(2) Except as otherwise herein provided, all powers, duties, responsibilities and functions of the commissioner of education and the existing department of education that pertain to junior colleges are assigned to the division of junior colleges.

(3) All powers, duties, responsibilities and functions of the commissioner of education and the existing department of education that pertain to vocational and technical education are assigned to the division of vocational and technical education.

(4) All powers, duties, responsibilities and functions of the board of regents are assigned to the division of universities.

(5) All powers, duties, responsibilities and functions, not otherwise transferred or provided for by this act, of the state board of education, the commissioner of education and the existing department of education are assigned to the department of education established by this act for reassignment by the commissioner and the board to the appropriate division of the department.

(renumber subsequent pages)

On motion by Senator Karl, the amendment was adopted. The vote was:

Yeas—25

Askew	Fincher	Knopke	Thomas
Barron	Gunter	Lane	Weber
Barrow	Haverfield	McClain	Weissenborn
Beaufort	Henderson	Ott	Williams
Bell	Hollahan	Pope	
Bishop	Johnson	Scarborough	
Daniel	Karl	Shevin	

Nays—19

Mr. President	Deeb	Myers	Stolzenburg
Bafalis	de la Parte	Poston	Trask
Boyd	Ducker	Reuter	Wilson
Broxson	Friday	Saunders	Young
Chiles	Gong	Saylor	

By unanimous consent, Senator Bafalis changed his vote from nay to yea.

The following amendment offered by the Committee on Governmental Organization, having been temporarily deferred, was taken up:

In Part IV of the Bill, beginning with page 31, line 15, strike the following sections:

- Section 34 - entire section
- Section 35 - entire section
- Section 36 - entire section

and renumber the subsequent sections.

Senator Trask offered the following substitute amendment which failed:

In Part IV of the Bill, beginning with page 31, line 15, strike the following sections: Section 34—entire section, Section 36—entire section and renumber the subsequent sections.

The vote was:

Yeas—16

Mr. President	Broxson	Daniel	Friday
Barron	Chiles	de la Parte	Gunter

Henderson	Lane	Poston	Trask
Hollahan	Myers	Thomas	Wilson

Nays—26

Askew	Ducker	Ott	Stolzenburg
Bafalis	Fincher	Pope	Weber
Barrow	Gong	Reuter	Weissenborn
Beaufort	Haverfield	Saunders	Williams
Bell	Johnson	Saylor	Young
Bishop	Karl	Scarborough	
Deeb	McClain	Shevin	

Senator Myers offered the following substitute amendment which failed:

In Section 36 of Part IV, page 32, line 26, strike Section 36. (the entire section) and renumber subsequent sections.

The question recurred on the amendment by the Committee on Governmental Organization and the amendment was adopted. The vote was:

Yeas—28

Mr. President	Boyd	Henderson	Ott
Askew	Broxson	Hollahan	Poston
Bafalis	Chiles	Horne	Saunders
Barron	Deeb	Johnson	Saylor
Barrow	de la Parte	Karl	Scarborough
Beaufort	Friday	Knopke	Thomas
Bishop	Gunter	McClain	Trask

Nays—17

Bell	Haverfield	Shevin	Wilson
Daniel	Lane	Stolzenburg	Young
Ducker	Myers	Weber	
Fincher	Pope	Weissenborn	
Gong	Reuter	Williams	

By unanimous consent, Senator Pope changed his vote from nay to yea.

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Saylor:

In Part III Section 31(1), line 4, page 28, strike the following words, "and abandoned property," and insert the following: abandoned property; county finance; and the assessment standards division.

The vote was:

Yeas—29

Mr. President	Broxson	Horne	Saunders
Askew	Chiles	Johnson	Saylor
Bafalis	Deeb	Karl	Scarborough
Barron	de la Parte	Knopke	Thomas
Barrow	Friday	McClain	Trask
Beaufort	Gunter	Ott	
Bishop	Henderson	Pope	
Boyd	Hollahan	Poston	

Nays—16

Bell	Gong	Reuter	Weissenborn
Daniel	Haverfield	Shevin	Williams
Ducker	Lane	Stolzenburg	Wilson
Fincher	Myers	Weber	Young

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Saylor:

In Part III Section 31(2), lines 11 and 12, page 28, strike the following words, "and abandoned property," and after the word "licenses," insert the following: abandoned property; county finance; and the assessment standards division.

The vote was:

Yeas—29

Mr. President	Bafalis	Barrow	Bishop
Askew	Barron	Beaufort	Boyd

Broxson	Henderson	McClain	Scarborough
Chiles	Hollahan	Ott	Thomas
Deeb	Horne	Pope	Trask
de la Parte	Johnson	Poston	
Friday	Karl	Saunders	
Gunter	Knopke	Sayler	

Senators Myers, Chiles and Daniel offered the following amendment which was adopted on motion by Senator Chiles:

In Part IV of the Bill, page 32, line 6, insert the following:

Section 35. Comptroller.—

(1) There is hereby transferred to the department of community affairs, herein created under part I of this act, all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the comptroller relating to the assessments standards division.

(2) All appropriations previously made or made at this session of the legislature for the use of the comptroller relating to the assessments standards division shall be transferred to the account of the department of community affairs, herein created under part I of this act, and shall be construed to be for the use of the department of community affairs.

(3) All of the authority, power, duties, responsibilities, personnel, and property of the comptroller relating to the assessments standards division shall be assigned to a division of the department of community affairs herein created, to be called the division of local finance.

Senator Myers offered the following amendment which was adopted:

In Section 31, Part III, line 4, page 28, strike “; county finance and the assessment standards division.” and insert the following: and county finance.

Senator Myers also offered the following amendment which was adopted:

In Section 31, Part III, lines 11 and 12, page 28, strike “; county finance; and the assessment standards division.” and insert the following: and county finance.

Senators Hollahan and Daniel offered the following amendment which was moved by Senator Daniel:

In Section 2, line 10, page 1, in subsection “C”, strike the entire subsection and insert the following: (C) the term migrant laborer shall be as defined in Section 317.9931 (1), Florida Statutes.

Pending further consideration of the amendment, on motion by Senator Friday, the rules were waived and the Senate reverted to the order of—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pope, by two-thirds vote, SB 808 was withdrawn from the Committees on Judiciary and Ways and Means.

On motion by Senator Pope, by two-thirds vote, HB 92 was withdrawn from the Committees on Judiciary and Ways and Means.

On motion by Senator de la Parte, the rules were waived and a meeting of the Committee on Health, Welfare, and Institutions was scheduled for 8:00 p.m., May 8, to consider Senate Bills 172 and 190.

On motion by Senator de la Parte, the rules were waived and the Committee on Health, Welfare, and Institutions was granted an additional 10 days for the consideration of Senate Bills 693, 700, 720 and 733.

On motion by Senator Hollahan, by two-thirds vote, SB 994 was withdrawn from the Committee on Governmental Organization.

A point of order was raised by Senator Chiles and pursuant to Rule 4.6, SB 796 was also referred to the Committee on Ways and Means.

CO-INTRODUCER

By permission, Senator Weissenborn was shown as a co-introducer of SB 873.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 4:13 p.m. to reconvene at 10:00 a.m., May 8, 1969.

Nays—16

Bell	Gong	Reuter	Weissenborn
Daniel	Haverfield	Shevin	Williams
Ducker	Lane	Stolzenburg	Wilson
Fincher	Myers	Weber	Young

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Sayler:

Part III of the Bill, following section 31., and following line 16 and preceding line 17, page 28, INSERT the following:

Section 31A. Railroad assessment board.—

(1) There is hereby transferred to the department of banking and finance, herein created under part I of this act, all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the railroad assessment board.

(2) All appropriations previously made or made at this session of the legislature for the use of the railroad assessment board shall be transferred to the account of the department of banking and finance, herein created under part I of this act, and shall be construed to be for the use of the department of banking and finance.

The vote was:

Yeas—29

Mr. President	Broxson	Horne	Saunders
Askew	Chiles	Johnson	Sayler
Bafalis	Deeb	Karl	Scarborough
Barron	de la Parte	Knopke	Thomas
Barrow	Friday	McClain	Trask
Beaufort	Gunter	Ott	
Bishop	Henderson	Pope	
Boyd	Hollahan	Poston	

Nays—16

Bell	Gong	Reuter	Weissenborn
Daniel	Haverfield	Shevin	Williams
Ducker	Lane	Stolzenburg	Wilson
Fincher	Myers	Weber	Young

The President Pro Tempore presiding.

Senator Young offered and moved the following amendment:

PART VII of Section 61(3), line 3, page 53, strike the following sub-paragraph: (3) All of the authority, power, duties, responsibilities, personnel, and property of the Florida state turnpike authority shall be assigned to a division of the department of transportation herein created, to be called the division of toll highways.

On motion by Senator Friday, the rules were waived and time of adjournment was extended until final action on the foregoing amendment, and three additional amendments to SB 650 and Motions Relating to Committee Reference.

The President presiding.

The amendment was adopted. The vote was:

Yeas—23

Askew	Chiles	Henderson	Sayler
Bafalis	Deeb	Johnson	Shevin
Barron	Ducker	Knopke	Stolzenburg
Bishop	Fincher	McClain	Williams
Boyd	Gong	Pope	Young
Broxson	Haverfield	Reuter	

Nays—20

Mr. President	Friday	Lane	Scarborough
Barrow	Gunter	Myers	Thomas
Beaufort	Hollahan	Ott	Trask
Daniel	Horne	Poston	Weber
de la Parte	Karl	Saunders	Wilson