

JOURNAL OF THE SENATE

Monday, May 12, 1969

The Senate was called to order by the President at 9:30 a. m. for the purpose of conducting the order of business of Introduction and reference of Resolutions, Memorials, Bills and Joint Resolutions, pursuant to Rule 4.3.

INTRODUCTION

By Senator Weissenborn—

SB 1130—A bill to be entitled An act relating to certification; amending section 236.0711, Florida Statutes, redesignating the agency that may declare an emergency exists; providing an effective date.

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

By Senator Bishop—

SB 1131—A bill to be entitled An act for the relief of W. S. Cooper; providing an appropriation to compensate him for attorney fees incurred in connection with an action to establish pension rights.

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

By Senator Bishop—

SCR 1132—A concurrent resolution memorializing the life and sacrifice of Private First Class James H. Rehberg, United States Army, who gave his life for his country in Viet Nam.

Was read the first time in full and placed on the Calendar.

By Senator Horne—

SB 1133—A bill to be entitled An act making an appropriation from the general revenue fund to the board of regents for the restoration of the westcott building of the Florida state university in Tallahassee, Florida.

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

By Senator Horne—

SB 1134—A bill to be entitled An act relating to optometry; amending section 463.15, Florida Statutes, to provide that no ophthalmic supplier shall sell prescription spectacles, eyeglasses or lenses to anyone other than a licensed physician, optometrist or optician.

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

By Senators Horne and Ott—

SB 1135—A bill to be entitled An act relating to clerk of the circuit court; providing for an official seal; revising and amending statutes requiring a fee for services; changing the word fee to charges; amending chapter 28, Florida Statutes, by adding section 28.071 to provide for an official seal; amending sections 28.101, 28.12, 28.19, 28.24, 28.241, 28.242, 28.25, 28.28, 33.04, 34.04, 34.041, 45.031(1), 95.33, 222.17(5), 298.03(4), 298.07(4), 298.08(4), 298.09, 298.34(5), 298.67(2), 372.318, 382.25, 459.16, 460.15, 462.10, 463.13, 696.05(2), 698.11, 703.01, 703.02, 703.04, 703.05, 706.04, 865.09(3), (4), 924.25(6), 924.26(2), and 932.52(16), all Florida Statutes; providing an effective date.

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

By Senator Ott—

SB 1136—A bill to be entitled An act relating to nurses in health care facilities; providing for the adoption of orderly procedures for establishing desirable employment practices for registered professional and licensed practical nurses employed in health care facilities; providing for collective bargaining and arbitration.

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

By Senator Ott—

SB 1137—A bill to be entitled An act relating to unemployment compensation; amending the introductory paragraph of section 443.06(4), Florida Statutes, by adding a provision exempting lockouts by the employer from the disqualification of this section; providing an effective date.

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

By Senators Young, Deeb and Saylor—

SB 1138—A bill to be entitled An act relating to Pinellas County; relating to club beverage licenses, authorizing one (1) additional club beverage license in Pinellas County to be issued under the authority of Subsection (11) of Section 561.34, Florida Statutes, to the Czechoslovak National Council of America, excepting said club from the provisions of Section 561.34 relating to the time that a club is required to be chartered and to have been in continuous active existence before becoming entitled to a license; providing an effective date.

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

By Senator Chiles—

SB 1139—A bill to be entitled An act relating to married women's property; amending sections 693.14, 708.02, and 708.08, Florida Statutes, and repealing sections 693.01, 693.05, 708.03, 708.04, and 708.07, Florida Statutes; conforming the general law of the state to Section 5 of Article X of the State Constitution as amended in 1968, by eliminating provisions requiring a husband to join in the conveyance of his wife's property; repealing section 62.021, Florida Statutes, relating to the free dealer law; providing an effective date.

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

By Senator Chiles—

SB 1140—A bill to be entitled An act relating to mortgages and other instruments securing future advances; amending subsection (1) of section 697.04, Florida Statutes, to limit its applicability to real property only; providing an effective date.

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

By Senator Fincher—

SB 1141—A bill to be entitled An act relating to voting procedure; amending section 236.32, Florida Statutes, by changing instruction to voters where automatic voting machines are used; providing an effective date.

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

By Senator Fincher—

SB 1142—A bill to be entitled An act relating to textbooks; amending section 233.13, Florida Statutes, by requiring the state to furnish textbooks to resident pupils of private, parochial and denominational schools; providing an effective date.

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

By Senator Fincher—

SB 1143—A bill to be entitled An act relating to driver education; amending subsection (3) of section 233.063, F. S., by providing driver education for private, parochial and denominational schools; providing an effective date.

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

By Senator Fincher—

SB 1144—A bill to be entitled An act relating to school bus transportation; amending section 234.01, Florida Statutes, by providing for transportation of resident pupils in private, parochial and denominational schools; providing an effective date.

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

By Senator Gong—

SB 1145—A bill to be entitled An act relating to junior colleges; amending section 230.0103(2), Florida Statutes, by adding paragraph (f) to give the junior college boards of trustees the power of eminent domain; providing an effective date.

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

By Senator Gong—

SB 1146—A bill to be entitled An act relating to drunken driving; by adding a new subsection (4) to section 860.01, Florida Statutes; to provide penalties when death is caused by a driver whose faculties are impaired by drugs, alcoholic beverages, or stimulants; providing an effective date.

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

By Senator Gong—

SB 1147—A bill to be entitled An act relating to extortionate credit transactions; providing definitions and rules of construction; providing penalties; providing an effective date.

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

By Senator Gong—

SB 1148—A bill to be entitled An act relating to public junior colleges; authorizing the district boards of trustees for junior colleges to pay the cost of civil action brought against any officer or employee of public junior colleges in the performance of their duties; authorizing the payment of premiums for insurance to cover damages, losses and expenses; providing an effective date.

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

By Senator Gong—

SB 1149—A bill to be entitled An act relating to salaries of school board members; amending Section 145.041(13) to provide a salary of five thousand dollars (\$5,000.00) for school board members; providing an effective date.

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

By Senator Deeb—

SB 1150—A bill to be entitled An act relating to toll projects of the state of Florida; providing that annual payment plans may not be put into effect if the bonds issued to finance the project are outstanding unless such plans are made available to all users of the project; providing that no changes may be made in the toll rate for use of such projects without the approval of the state agency which issued the bonds and the approval of the state board of administration; providing an effective date.

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

By Senators Deeb and Young—

SB 1151—A bill to be entitled An act relating to the trustees of the internal improvement fund; providing for the establishment of Boca Ciega Bay in Pinellas County as an aquatic preserve; providing restrictions upon the sale and use of submerged lands and waters within the boundaries of the preserve; providing severability; providing an effective date.

Was read the first time by title and referred to the Committees on Natural Resources and Conservation and Judiciary.

By Senator Broxson—

SB 1152—A bill to be entitled An act relating to education; providing an appropriation to implement section 229.521(30), Florida Statutes; providing an effective date.

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

By Senator Broxson—

SB 1153—A bill to be entitled An act relating to instructional personnel of schools; amending section 236.02(6), Florida Statutes, to provide additional compensation for supervising teachers; providing for appropriation of funds; providing an effective date.

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

By Senator Broxson—

SB 1154—A bill to be entitled An act relating to public education, finance and taxation; amending section 236.32, Florida Statutes; prescribing the procedure for holding and conducting school district millage elections; providing an effective date.

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

By Senator Weber—

SB 1155—A bill to be entitled An act relating to the Real Estate License Law; amending section 475.25 (1), Florida Statutes, by adding a new paragraph (g) to prohibit rebates; renumbering subsequent paragraphs; providing an effective date.

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

By Senator Myers—

SB 1156—A bill to be entitled An act relating to tangible personal property taxes; amending section 200.06, Florida Statutes; providing a minimum tax assessment basis for depreciated property; providing criteria for determining the just value of depreciating property; providing an effective date.

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

By Senator Myers—

SB 1157—A bill to be entitled An act to amend Chapter 193, Florida Statutes, by adding a new section to be numbered 193.291, establishing a biennial real estate ad valorem tax roll and providing for immediate adjustments in cases of disaster, and providing for the annual additions of new buildings and improvements; providing effective date.

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

By Senator Myers—

SB 1158—A bill to be entitled An act amending Chapter 192, section 31, by adding paragraph 9, establishing a program of state certification for assessors, deputies and assistants; establishing minimum requirements; authorizing program administration; providing salary incentives; and appropriations to cover the cost of a certification program; providing an effective date.

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

By Senator Saunders—

SB 1159—A bill to be entitled An act making an appropriation from the general revenue fund to the board of regents for the emergency renovation of the university of Florida gymnasium to comply with fire code regulations.

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

By Senator Johnson—

SB 1160—A bill to be entitled An act relating to school buses; amending section 234.08 (2), Florida Statutes, by adding paragraph (i), requiring school buses to be equipped with seat belts; providing an effective date.

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

By Senator Johnson—

SB 1161—A bill to be entitled An act relating to the inhalation of certain harmful substances; amending section 877.11, Florida Statutes, prohibiting the inhalation of model glue, by extending the scope of the prohibited act to include the inhalation of additional harmful chemical substances; providing penalties; providing an effective date.

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

By Senators Poston, Saylor, Gunter, Thomas, Askew, Young, Haverfield, Stone, Henderson, Deeb, Barrow, Horne, Saunders, Broxson, Barron, McClain, Pope, Lane, Gong, Weber, Friday and Mathews—

SB 1162—A bill to be entitled An act relating to the state personnel board; amending section 110.011, Florida Statutes, changing the words "superintendent of public instruction" to "commissioner of education"; amending section 110.021, Florida Statutes, relating to powers and duties of the board; creating section 110.042, Florida Statutes, providing definitions of terminology used in Chapter 110, Florida Statutes; amending subsection (1) and paragraphs (i) and (j) of subsection (2) of section 110.051, Florida Statutes, relating to career service exemptions; amending subsections (1) and (2) of section 110.061, Florida Statutes, relating to suspensions, dismissal, reduction in pay, demotions, layoffs and transfers; amending subsections (1) and (3) and paragraph (a) of subsection (4) of section 110.092, Florida Statutes, relating to political activities and unlawful acts prohibited; providing an effective date.

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

The Senate was called to order by the President at 10:00 a.m. A quorum present—46:

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

Excused: Senators Deeb and Stolzenburg. Senator Poston after 3:00 p. m.

Prayer by William Buckhalt, assistant to the Sergeant at Arms.

Our God and our Father, as we begin looking toward the end of another session, tempers will flare and our patience will grow short but through all the debate and arguing may we not lose sight of our goal, that is creating a government for and by the people. We ask that you, Father, give these chosen few the strength and courage to fulfill their obligations. We humbly ask thy presence among us.

We ask all this in thy Holy Name. Amen.

The Senate pledged allegiance to the flag of the United States of America pursuant to Senate Rule 4.3.

The Journal of May 9 was corrected and approved as follows:

Page 284, column 1, line 23, following the comma insert by two-thirds vote

Page 286, column 2, line 1, following "Senators" insert Weber

REPORTS OF COMMITTEES

The Committee on Judiciary recommends the following pass:

SB 1001	SB 465, with 1 amendment
SB 498	SB 332, with 1 amendment
SB 338	SB 203, with 1 amendment
SB 202	SB 231, with 2 amendments
SB 645	SB 499, with 3 amendments
SB 158, with 2 amendments	SB 339, with 3 amendments
SB 25, with 1 amendment	CS for HB 89
SJR 260, with 1 amendment	CS for HB 1037

The bills were placed on the Calendar.

The Committee on Ways and Means recommends a Committee Substitute for the following: SB 628

The Committee on Judiciary recommends the Committee Substitute for SB 228 as recommended by the Committee on Commerce and Licensed Businesses.

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

The Committee on Health, Welfare, and Institutions recommends a Committee Substitute for the following: Senate Bills 172 and 190

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

The Committee on Judiciary recommends the following pass: SB 528 SB 317, with 1 amendment

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

The Committee on Judiciary recommends a Committee Substitute for the following: SB 98

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

ENGROSSING REPORT

Your Engrossing Clerk to whom was referred—

SB 22 with 1 amendment

—reports that the House amendment has been incorporated and the bill is returned herewith.

EDWIN G. FRASER
Secretary of the Senate

The bill was ordered enrolled.

ENROLLING REPORT

Your Enrolling Clerk to whom was referred—

SB 28 SB 615 SCR 887

—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on May 9, 1969.

EDWIN G. FRASER
Secretary of the Senate

BILLS REFERRED TO SUBCOMMITTEES

Public Schools: Senate Bills 1130, 1142, 1143, 1144, 1152, 1153, 1154, 1093, 1097, 1120, 1121 and 1122 (10 days to report to Committee on Education)

Junior Colleges and Vocational-Technical: SB 1123 (7 days to report to Committee on Education); Senate Bills 1145 and 1148 (10 days to report to Committee on Education)

Universities and Colleges: Senate Bills 1133 and 1159 (10 days to report to Committee on Education); Senate Bills 1096, 1104, 1110, 1112, 1114 and 1116 (7 days to report to Committee on Education)

Mental Health, Retardation, and Institutions: SB 1109 (10 days to report to Committee on Health, Welfare, and Institutions)

Health and Welfare: Senate Bills 1034, 1042 and 1092 (10 days to report to Committee on Health, Welfare, and Institutions)

Jurisprudence: Senate Bills 782, 777, 1108, 1115, 1118, 1126, 1107, 791 and 842 (7 days to report to Committee on Judiciary)

Law and Order: SB 778 (7 days to report to Committee on Judiciary) SB 618 withdrawn

Labor and Industrial Relations: SB 1127 (7 days to report to Committee on Judiciary.

Unanimous consent was granted Senator Bishop to take up out of order—

SCR 1132—A concurrent resolution memorializing the life and sacrifice of Private First Class James H. Rehberg, United States Army, who gave his life for his country in Viet Nam.

WHEREAS, Private First Class James H. Rehberg, United States Army, was killed in action in Viet Nam on April 28, 1969, at the age of eighteen years, and

WHEREAS, Private First Class James H. Rehberg demonstrated the highest degree of dedication and devotion to his country by choosing to serve in the United States Army and by willingly serving in combat, and

WHEREAS, Private First Class James H. Rehberg left surviving him his parents, Mr. and Mrs. Charles Rehberg, his sister Jean Charis Rehberg, of Lake City, his sister Mrs. Kathlee Burman, Grand Bahamas, and his grandparents, Mr. and Mrs. W. A. Rehberg of Jacksonville, and

WHEREAS, Private First Class James H. Rehberg distinguished himself among men by his valor and bravery and has made the supreme sacrifice for his country and all of its citizens, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

IN MEMORIAM
JAMES H. REHBERG

Private First Class James H. Rehberg lived an exemplary life which included his accomplishments as a student and his further accomplishments as a combat soldier in Viet Nam.

BE IT FURTHER RESOLVED that Private First Class James H. Rehberg enlisted in the United States Army and on April 28, 1969, at the age of eighteen, he was killed in combat, having made the supreme sacrifice for his country, and, as a final measure of esteem and respect,

BE IT FURTHER RESOLVED that we, the Legislature of the State of Florida, by means of this concurrent resolution, express our sorrow at the death of Private First Class James H. Rehberg, and recognize his significant contribution to the nation, the State of Florida, and the safety of all citizens.

BE IT FURTHER RESOLVED that copies of this memorial resolution be certified by the Clerk of the House of Representatives and the Secretary of the Senate, and forwarded to the parents and family of Private First Class James H. Rehberg.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the pages of the journal of this Legislature and made a permanent part of the records.

On motions by Senator Bishop, the rules were waived and SCR 1132 was read the second time by title, unanimously adopted and certified to the House.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John E. Mathews, Jr. May 9, 1969
President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended by the required two-thirds vote of all members elected to the House—

By Representative Fleece—

HB 229—A bill to be entitled An act for the relief of Harold Rome of Pinellas County, for the funds expended for damages and injuries suffered as a result of the negligence of the state road department in allowing a dangerous condition to exist on an incomplete road; providing an appropriation in the sum of three hundred seventy-five dollars (\$375.00); providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 229, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

The Honorable John E. Mathews, Jr. May 9, 1969
President of the Senate

Sir:

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

By Representative Poorbaugh and others—

HB 920—A bill to be entitled An act relating to the retirement system for school teachers; providing that certain retirement allowances shall not be reduced by social security benefits received by a member of the retirement system; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 920, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

The Honorable John E. Mathews, Jr. May 9, 1969
President of the Senate

Sir:

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

By Representative Arnold and others—

HB 1469—A bill to be entitled An act amending article 19 of chapter 67-1320, Laws of Florida, being the consolidated government charter of the city of Jacksonville, relating to the civil service system of said city, so as to clarify the uniform job pay classification plan, regulating the employment of part-time and temporary employees, and providing for the appointment, duties and compensation of a chief administrative officer for the civil service board and excepting said officer from the civil service provisions of said charter; repealing all conflicting laws; 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 1469.

HB 1469, 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 9, 1969
President of the Senate

Sir:

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

By the Committee on Conservation—

HB 1270—A bill to be entitled An act relating to game and fresh water fish; amending section 372.001(1), Florida Statutes, by clarifying the definition of resident of Florida and including servicemen stationed in the state as residents.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 1270, contained in the above message, was read the first time by title and referred to the Committee on Natural Resources and Conservation.

The Honorable John E. Mathews, Jr. May 9, 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 1555—A bill to be entitled An act providing for comprehensive planning and zoning within the city of Sebring, Florida; creating a planning and zoning commission; creating a comprehensive plan; providing for the development of an official street map; establishing subdivision and zoning regulations; creating a zoning board of adjustment; and setting forth the manner of appointment, the general purposes and the responsibility of the planning and zoning commission and the zoning board of adjustment; providing for a referendum.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 1555, 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 9, 1969
President of the Senate

Sir:

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

By Representative Culbreath and others—

HB 1651—A bill to be entitled An act relating to Hernando County, Florida, authorizing the County Commissioners of Hernando County, Florida, to employ a County Medical Examiner; To fix his qualifications, his term of employment and his compensation; To provide for Assistant Medical Examiners, and setting forth their qualifications, duties and compensations; To provide for autopsies; To provide for examination of dead bodies, and setting forth circumstances under which said bodies be examined; Providing for payment of expenses created by this act and setting 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 1651.

HB 1651, 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 9, 1969
President of the Senate

Sir:

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

By Representative Powell and others—

HB 1580—A bill to be entitled An act relating to Brevard County; authorizing the board of county commissioners of Brevard County, Florida to reimburse the City of Eau Gallie, Florida for certain recreational facilities; authorizing the expenditure of budgeted funds; providing that such expenditures shall be deemed a lawful county purpose; 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 1580.

HB 1580, 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 9, 1969
President of the Senate

Sir:

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

By Representative Davis and others—

HB 1576—A bill to be entitled An act relating to Brevard County; authorizing the district school board of said county to negotiate loans and pledge certificates of deposit and government securities owned by the board as security therefor; providing authority to be supplemental and cumulative to other existing law; repealing chapter 65-1148, Laws of Florida; providing an effective date.

Proof of Publication attached.

By Representative Davis and others—

HB 1577—A bill to be entitled An act relating to Brevard County, salary of district superintendent of schools; repealing chapter 57-643, Laws of Florida; 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 1576 and 1577.

House Bills 1576 and 1577, 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 9, 1969

Sir:

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

By Representative Davis and others—

HB 1578—A bill to be entitled An act relating to Brevard County, district school board contracts, limitation; repealing chapter 30604, Laws of Florida, 1955; providing an effective date.

Proof of Publication attached.

By Representative Davis and others—

HB 1579—A bill to be entitled An act relating to Brevard County, compensation of district superintendent of schools; repealing chapter 15097, Laws of Florida, 1931; 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 1578 and 1579.

House Bills 1578 and 1579, 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 9, 1969

Sir:

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

By Representative Westberry and others—

HB 1472—A bill to be entitled An act amending chapter 27643, Laws of Florida, 1951, as amended, the same being the city of Jacksonville Beach employees' retirement system.

Proof of Publication attached.

By Representative Arnold and others—

HB 1471—A bill to be entitled An act amending section 18.01 of article 18 of chapter 67-1320, Laws of Florida, being section 18.01 of the charter of the city of Jacksonville; relating to the retirement and pension system authorized for the officers and employees of the city of Jacksonville; superseding all conflicting laws; 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 1472 and 1471.

House Bills 1472 and 1471, 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 9, 1969

Sir:

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

By Representative R. J. Tillman and others—

HB 1589—A bill to be entitled An act amending chapter 65-2037, Laws of Florida; the same being an act relating to Osceola county, dog licenses; authorizing the board of county commissioners to require licensing and inoculation of dogs; providing for impounding and disposing of certain animals; authorizing the establishment of rules and regulations; providing that violation thereof is a misdemeanor; authorizing the establishment of a county animal pound; defining certain terms; 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 1589.

HB 1589, 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 9, 1969

Sir:

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

By Representative Davis and others—

HB 1569—A bill to be entitled An act relating to Brevard County, district school board members' salaries; repealing chapter 15096, Laws of Florida, 1931; providing an effective date.

Proof of Publication attached.

By Representative Davis and others—

HB 1570—A bill to be entitled An act relating to Brevard County, compensation of district superintendent of schools; repealing chapter 26743, Laws of Florida, 1951; 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 1569 and 1570.

House Bills 1569 and 1570 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 9, 1969

Sir:

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

By Representative Davis and others—

HB 1571—A bill to be entitled An act relating to Brevard County; authorizing the district school board to establish petty cash accounts; repealing chapter 65-1028, Laws of Florida; providing an effective date.

Proof of Publication attached.

By Representative R. J. Tillman and others—

HB 1572—A bill to be entitled An act relating to the Osceola county school board; authorizing board to use day labor basis in certain construction and repair of school buildings; providing an effective date.

Proof of Publication attached.

By Representative McNulty and others—

HB 1573—A bill to be entitled An act authorizing the city of Kissimmee, Florida, to jointly own and operate facilities with the city of St. Cloud, Florida, for the production of electrical energy and to make such contracts as may be necessary therefor.

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 1571, 1572 and 1573.

House Bills 1571, 1572 and 1573, 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 9, 1969
President of the Senate

Sir:

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

By Representative Davis and others—

HB 1567—A bill to be entitled An act relating to Brevard County, compensation of district superintendent of schools; repealing chapter 25297, Laws of Florida, 1949; providing an effective date.

Proof of Publication attached.

By Representative Davis and others—

HB 1568—A bill to be entitled An act relating to Brevard County district school board records, destruction; repealing chapter 57-1165, Laws of Florida; 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 1567 and 1568.

House Bills 1567 and 1568, 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 9, 1969

Sir:

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

By Representative Culbreath and others—

HB 1649—A bill to be entitled An act relating to Hernando County, Florida, authorizing the Board of County Commissioners of Hernando County, Florida, to make an annual appropriation for operation of Hernando County Port Authority, and authorizing the expenditure thereof by said Hernando County Port Authority.

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 1649.

HB 1649, 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 9, 1969
President of the Senate

Sir:

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

By Representative Ogden and others—

HB 1587—A bill to be entitled An act amending chapter 67-1320, Laws of Florida, section 17.08; providing for the recall of elected officials in the consolidated government of the city of Jacksonville; amending the method for determining the number of petitioners necessary for a recall; providing an effective date.

Proof of Publication attached.

By Representative R. J. Tillman and others—

HB 1590—A bill to be entitled An act relating to Osceola county providing for the appointment of an administrator for county commission; setting out qualifications, duties, authority and compensation of the administrator; providing for a referendum.

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 1587 and 1590.

House Bills 1587 and 1590, 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 9, 1969
President of the Senate

Sir:

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

By Representative Lancaster—

HB 1594—A bill to be entitled An act relating to Dixie County; authorizing the board of county commissioners to

expand public funds and use public equipment to clean out public canals.

Proof of Publication attached.

By Representative Lancaster—

HB 1595—A bill to be entitled An act relating to Dixie County; authorizing the county commission to pay the judge of the small claims court a salary of one hundred dollars a month; authorizing the county commission to pay the secretary to the small claims judge a salary of up to twenty-five dollars a month; increasing the jurisdiction in civil matters to seven hundred and fifty dollars; providing that such salaries shall be paid in the discretion of the county commission and when paid shall be in addition to fees collected.

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 1594 and 1595.

House Bills 1594 and 1595, 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 9, 1969
President of the Senate

Sir:

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

By Representative Lancaster—

HB 1593—A bill to be entitled An act relating to Dixie County; authorizing the county school board and the board of county commissioners to purchase commodities from state institutions.

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 1593.

HB 1593, 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 9, 1969
President of the Senate

Sir:

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

By Representative R. J. Tillman and others—

HB 1591—A bill to be entitled An act providing a method for the city of Kissimmee, Florida, to annex contiguous areas to the city of Kissimmee, Florida, when unanimously requested by the owners of such contiguous areas.

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 1591.

HB 1591, 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 9, 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 1554—A bill to be entitled An act repealing Chapter 27892, Laws of Florida, 1951; the employees pension fund; and providing the city of Sebring may establish a pension fund by ordinance; providing a referendum.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 1554, 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 9, 1969
President of the Senate

Sir:

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

By Representatives Pratt and Gallen—

HB 1592—A bill to be entitled An act relating to the City of Wauchula, Hardee County, pension system for certain officers and employees; amending section 5 of chapter 26300, Laws of Florida, 1949, as amended by chapter 27969, Laws of Florida, 1951, and chapter 59-1965, Laws of Florida; providing that employees having twenty-five (25) years' service with said city shall be eligible for retirement; providing that certain employees who have reached sixty (60) years of age shall be eligible for retirement; providing that said employees shall receive a certain monthly sum in relation to their monthly salaries; 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 1592.

HB 1592, 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 9, 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 1614—A bill to be entitled An act amending section 8 of Chapter 23535 of the Laws of Florida of 1945, providing for the authority to contract for enumerated purposes and changing the bid requirements as set forth in said section of said act; providing a referendum.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 1614, 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 9, 1969
President of the Senate

Sir:

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

By Representative Davis and others—

HB 1566—A bill to be entitled An act relating to Brevard County, filing financial report with clerk of circuit court; repealing chapter 61-1582, Laws of Florida, as the same relates to the district school board of said county; exempting the board from the requirements of said law retroactively to June 2, 1961; 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 1566.

HB 1566, 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 9, 1969
President of the Senate

Sir:

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

By Representative Davis and others—

HB 1574—A bill to be entitled An act relating to Brevard County, district school board members' salaries and travel expenses; repealing chapter 57-663, Laws of Florida; providing an effective date.

Proof of Publication attached.

By Representative Davis and others—

HB 1575—A bill to be entitled An act relating to Brevard County, school facilities, financing by certain funds allocated to said county; repealing chapter 68-84, Laws of Florida; 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 1574 and 1575.

House Bills 1574 and 1575, 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 9, 1969

Sir:

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

By Representative Culbreath and others—

HB 1647—A bill to be entitled An act relating to Hernando County, Florida, authorizing the Board of County Commissioners of Hernando County, Florida, to establish rules and regulations concerning the dumping and disposal of garbage, sewage and other waste matters, both public and private. And to pass other necessary regulations concerning health, hygiene and sanitation. And further authorize the said body to set and collect fees for the use of public garbage sanitary land fill, and to set and collect fees for services rendered in the inspection and granting of licenses in the issuance of septic tank permits, the collection of public and private water samples, the issuance of health certificates and issuance of certified copies of records and for other services as may be set by law and designated by said Board. Requiring persons to obtain permits and licenses to engage in the business of garbage, sewage and other disposal, and authorizing the Board of County Commissioners to limit the number of licenses or permits to be issued in any geographical area. And to authorize the said Board to employ and pay necessary personnel for the carrying out of the provisions of this act whether the same be the Hernando County Health Unit or other personnel. And to provide that fees collected hereunder shall be credited to Hernando County to be expended for Hernando County hygiene and health control and Hernando County mosquito control.

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 1647.

HB 1647, 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 9, 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 1616—A bill to be entitled An act amending a portion of Section 12 of Chapter 14371, Laws of Florida, 1929, changing the time for the election of the mayor of the city of Sebring; providing a referendum.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 1616, 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 9, 1969
President of the Senate

Sir:

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

By Representative Stafford and others—

HB 1621—A bill to be entitled An act amending Chapter 6715 Special Laws of Florida 1913 being the Charter of the

Town of Largo, Florida, as previously amended by Chapter 7191 Special Laws of Florida 1915; by Chapter 18648 Special Laws of Florida 1937; Chapter 25967 Special Laws of Florida 1949; Chapter 591485 Special Laws of Florida 1959; House Bill No. 856 (65-1806 Special Acts) and House Bill No. 1058 (65-1807 Special Acts) Special Laws of Florida 1965 and by House Bill No. 672 (67-1623 Special Acts) Special Laws of Florida 1967 by redefining the boundaries and limits of the Town in Section 30 thereof; by amending Section 16 of the Charter to add provisions for a public hearing prior to the levy of ad valorem tax as authorized therein; by amending Section 25 of the Charter to increase the amount of public contracts not requiring bidding from \$500.00 to \$2500.00; by amending Section 35 thereof to require that the Municipal Judge be admitted to practice law in Florida and a member of the Florida Bar in good standing and to provide for the appointment of associate judges with the same qualifications and powers; by amending Section 38 thereof to increase the salaries and compensation of the Town Commissioners and to provide for reimbursement of expenses incurred by such Commissioners in the performance of their municipal duties; by adding Section 39 thereto to provide authority for the creation and maintenance of an employee's pension, retirement and disability income fund for the benefit of Town employees and officers; by adding Section 40 thereto granting to the Commissioners, officers and employees of the Town of Largo 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 41 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; 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 1621.

HB 1621, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Committee on Rules and Calendar submitted as Special and Continuing Order for Monday, May 12, immediately following final disposition of SJR 36, the consideration of the following bills:

SB 204—by Senator Myers and others—relating to local government.

SB 584—by Senator Saunders and others—relating to local government.

SB 390—by Senator Haverfield—relating to municipal parking facilities.

SPECIAL AND CONTINUING ORDER

The Senate resumed consideration of—

SJR 36—A joint resolution proposing a revision of Article V of the State Constitution relating to the judicial department of the government.

With the following amendment by Senator Barrow which was pending on May 9:

In Section 16, line 4, page 11, strike:

“Judicial circuits and counties may be reasonably classified for the purpose of fixing Judicial salaries.”

The question recurred on the adoption of the foregoing amendment and the amendment failed. The vote was:

Yeas—12

Barron	Boyd	Henderson	Saunders
Barrow	Broxson	Horne	Scarborough
Bishop	Daniel	Karl	Young

Nays—29

Mr. President	Friday	Myers	Slade
Askew	Gong	Ott	Thomas
Bafalis	Haverfield	Plante	Weber
Bell	Hollahan	Pope	Weissenborn
Chiles	Johnson	Poston	Wilson
de la Parte	Knopke	Reuter	
Ducker	Lane	Sayler	
Fincher	McClain	Shevin	

Senator Gunter was recorded as voting nay.

Senator Askew offered the following amendment which was adopted:

In Section 10 (b), lines 16 and 17, page 7, strike “shall be appointed or elected to specialized divisions. When elected, they” and insert the following: of specialized divisions

Senators Askew and Haverfield offered the following amendment which was adopted on motion by Senator Askew:

In Section 14(a), lines 3 thru 7, page 9, strike “entire subsection 1” and insert the following: (1) Two judges of the district courts of appeal appointed by the judges of those courts and two circuit court judges appointed by the judges of those courts; and in addition thereto, the legislature may add one judge of a county court appointed by the judges of those courts and one judge of the magistrates’ court appointed by the judges of those courts;

Senators Askew and Haverfield also offered the following amendment which was adopted on motion by Senator Askew:

In Section 14(f), line 13, page 10, strike the period and insert the following: ; and, in the event the legislature adds a judge of a county court and a judge of a magistrates’ court to this commission, the power of removal conferred upon the commission shall be cumulative to the power of removal of the governor as to judges of county courts and judges of magistrates’ courts.

On motion by Senator Askew, the rules were waived and the Senate immediately reconsidered the vote by which the following amendment by Senator Shevin was adopted on May 9:

In Section 14(f), line 15, page 10, strike “.” and insert the following: and to the power of the governor as provided in Article IV, Section 7 of this Constitution.

By permission, Senator Shevin withdrew the foregoing amendment.

Senators Askew and Haverfield also offered the following amendment which was adopted on motion by Senator Askew:

In Section 14(d), line 1, page 10, strike “or judge” and insert the following: of the supreme court, judges of the district courts of appeal and circuit courts, and if provided by law the judges of county courts and magistrates’ courts,

Senators Askew and Haverfield also offered the following amendment which was adopted on motion by Senator Askew:

In Section 16, line 27, page 10, strike entire SECTION 16. and insert the following: SECTION 16. Judicial salaries.—Justices of the supreme court, judges of the district courts of appeal and circuit courts shall be compensated by state salaries fixed by general law which shall not be diminished during the terms for which they have been elected or appointed, unless as a part of a general reduction of salaries applying uniformly to all salaried officers of the state, and which shall not be supplemented by any county or municipality. Judicial circuits and counties may be reasonably classified for the purpose of fixing judicial salaries. No circuit judge shall be paid a salary equal to or greater than the salary paid judges of district courts of appeal nor shall any judge of a district court of appeal be paid

a salary equal to or greater than the salary paid to the justices of the supreme court. The salaries of judges of county courts and magistrates' courts shall be fixed by general law and the judges of said courts may also be compensated for nonjudicial services as provided by law.

Senator Askew offered the following amendment which was adopted:

In Section 21(f), lines 3 thru 9, page 17, strike subsections (1) and (2) and renumber subsections (3) and (4) as new subsections (1) and (2).

Senator McClain offered the following amendment which was adopted:

In Section 12, lines 15-16, page 8, between lines 15 and 16 add a new paragraph as follows: All appointments to judicial office shall be made with the advice and consent of the Senate.

Senator Bell offered the following amendment which was adopted:

In Section 10, line 12, page 7, strike "a juvenile division" and insert the following: a domestic relations and juvenile division,

Senator Askew offered the following amendment which was adopted:

In Section 21, line 25, page 13, strike "juvenile division" and insert the following: domestic relations and juvenile division

Senator Askew also offered the following amendment which was adopted:

In Section 21, line 8, page 15, strike "juvenile division" and insert the following: domestic relations and juvenile division

Senators Weissenborn, Bell and Lane offered the following amendment which was moved by Senator Weissenborn:

In Section 7, line 28, page 5, strike

Section 7. County courts.—

(a) COUNTY COURTS.—In each county having a population of not more than one hundred thousand (100,000) inhabitants, according to the latest decennial census, there shall be a county court unless that court shall have been abolished, and not re-established, by vote of the electors pursuant to law.

(b) COUNTY JUDGES.—There shall be provided by law one (1) or more judges for each county court.

(c) JURISDICTION.—County courts shall have the jurisdiction prescribed by general law. Conditions upon which chartered counties or municipalities may authorize county courts to issue process and try violations of their ordinances may be prescribed by law. and insert the following:

SECTION 7. County courts of record.—

(a) COUNTY COURTS OF RECORD. In each county there shall be a county court of record unless that court shall have been abolished by law and not reestablished in the same manner. If any county court of record is abolished the judges thereof shall become circuit judges if otherwise qualified under Section 12 of this article.

(b) COUNTY COURT OF RECORD JUDGES. There shall be provided by law one or more judges for each county court of record.

(c) JURISDICTION. Except for the exclusive jurisdiction of the circuit courts, county courts of record shall have the original jurisdiction prescribed by general law in the enactment of which counties may be reasonably classified on the basis of population into not more than three classes.

Senator Barrow offered the following substitute amendment which failed:

In line 10, page 1, strike everything after the resolving clause and insert the following:

That the following revision of Article V of the State Constitution is agreed to and shall be submitted for ratification or rejection by the electors of the state at the general election to be held in November 1970:

ARTICLE V JUDICIARY

Section 1. *COURTS*—The judicial power shall be vested in a supreme court, district courts of appeal, circuit courts, county courts of record, magistrate courts and courts established solely for the trial of offenses against ordinances of counties or of municipalities. The jurisdiction of the courts shall be established uniformly by law except as authorized herein. Administrative officers or bodies may be granted quasi-judicial power in matters connected with the functions of their offices, and their orders shall be judicially reviewed as provided by law.

Section 2. *JUDICIAL ADMINISTRATORS*—There shall be a chief justice of the supreme court, a chief judge of each district court of appeal, the circuit court in each circuit, the county court of record in each county and the magistrates court, selected by a majority of the judges of their respective courts and if there be no majority, by the chief justice. If there is a single judge of any of said courts he shall be the chief judge. Chief judges shall serve at the pleasure of a majority of the judges of their respective courts.

Section 3. *JUDICIAL ADMINISTRATION*—Pursuant to rules adopted by the supreme court:

(a) The chief judge of each court shall assign duties and cases to the judges of his court, shall be otherwise responsible for the administration of his court and shall keep the chief justice informed of the condition of his court and any measures necessary for the improvement of the administration of justice.

(b) When requested by the chief judge of any court the chief justice shall assign justices and judges, including consenting retired justices and judges to temporary duty not exceeding sixty days in any one calendar year on such court. "Retired" as used in this section shall be defined by rule of the supreme court.

Section 4. *PRACTICE AND PROCEDURE*—The supreme court shall adopt rules governing:

(a) practice and procedure in all courts, including the time for seeking appellate review;

(b) the locations for holding court;

(c) the transfer of any matter to the proper court when the jurisdiction of any court has been improvidently invoked.

Section 5. *CHIEF JUSTICE*—

(a) The chief justice of the supreme court shall be the chief administrative officer of the judicial system.

(b) At the beginning of each regular session of the legislature the chief justice shall by message inform it of the condition of the judicial system and recommend measures for the improvement of the administration of justice.

Section 6. *SUPREME COURT*—

(a) *ORGANIZATION*—The supreme court shall consist of seven justices, one of whom shall be chosen the chief justice by the members of the court. Five justices shall constitute a quorum. The concurrence of four shall be necessary to a decision.

(b) *JURISDICTION*—

(1) Appeals from trial courts may be taken directly to the supreme court, as a matter of right, only from judgments imposing the death penalty, and when provided by law, judgments imposing life imprisonment, from final judgments directly passing upon the validity of a state statute or a federal statute or treaty, or construing a controlling provision of the Florida or federal constitution, and from final judgments or decrees in proceedings for the validation of bonds and certificates of indebtedness. The supreme court may directly review by certiorari interlocutory orders or decrees passing upon chancery matters which upon a final decree would be directly appealable to the supreme court. In all direct appeals and

interlocutory reviews by certiorari, the supreme court shall have such jurisdiction as may be necessary to complete determination of the cause on review.

(2) Appeals from district courts of appeal may be taken to the supreme court, as a matter of right, only from decisions initially passing upon the validity of a state statute or a federal statute or treaty, or initially construing a controlling provision of the Florida or federal constitution. The supreme court may review by certiorari any decision of a district court of appeal that affects a class of constitutional or state officers, or that passes upon a question certified by the district court of appeal to be of great public interest, or that is in direct conflict with a decision of another district court of appeal or of the supreme court on the same point of law, and may issue writs of certiorari to commissions established by law.

The supreme court may issue writs of mandamus and quo warranto when a state officer, board, commission, or other agency authorized to represent the public generally, or a member of any such board, commission, or other agency, is named a respondent, and writs of prohibition to commissions established by law, to the district courts of appeal, and to the trial courts when questions are involved upon which a direct appeal to the supreme court is allowed as a matter of right.

(3) The supreme court may issue all writs necessary or proper to the complete exercise of its jurisdiction.

(4) The supreme court or any justice thereof may issue writs of habeas corpus returnable before the supreme court or any justice thereof, or before a district court of appeal or any judge thereof, or before any circuit judge.

(5) The supreme court shall provide for the transfer to the court having jurisdiction of any matter subject to review when the jurisdiction of another appellate court has been improp-erly invoked.

Section 7. DISTRICT COURTS OF APPEAL

(a) APPELLATE DISTRICTS - The state by law shall be divided into not less than four appellate districts of one county or contiguous counties. There shall be a district court of appeal in each district consisting of not less than three judges. Three judges shall consider each case, and the concurrence of two shall be necessary to a decision.

(b) JURISDICTION—

(1) Appeals from trial courts in each appellate district, and from final orders of county judge's courts pertaining to probate matters or to estates and interests of minors and incompetents, may be taken to the court of appeal of such district, as a matter of right, from all final judgments or decrees except those from which appeals may be taken direct to the supreme court or to a circuit court.

(2) The supreme court shall provide for expeditious and inexpensive procedure in appeals to the district courts of appeal, and may provide for review by such courts of interlocutory orders or decrees in matters reviewable by the district courts of appeal.

(3) The district courts of appeal shall have such powers of direct review of administrative action as may be provided by law.

(4) A district court of appeal or any judge thereof may issue writs of habeas corpus returnable before that district court of appeal or any judge thereof, or before any circuit judge in that district. A district court of appeal may issue writs of mandamus, certiorari, prohibition, and quo warranto, and also all writs necessary or proper to the complete exercise of its jurisdiction.

Section 8. CIRCUIT COURTS—

(a) JUDICIAL CIRCUITS—The state by law shall be divided into judicial circuits, each composed of one county or contiguous counties, and containing at least 100,000 inhabitants according to the last decennial census, except that the County of Monroe shall constitute one of the circuits.

(b) CIRCUIT COURTS—There shall be a circuit court of each county.

(c) CIRCUIT JUDGES—There shall be at least one circuit judge in each circuit for each 50,000 inhabitants or major fraction thereof as determined pursuant to law. Each circuit judge shall be a judge of the circuit court of each county in the circuit; except, judges of the juvenile division, the probate division, and the criminal division of the circuit court in any county when established by the abolition of the county court of record shall be judges of the circuit court only in that county. When any county court of record is abolished and the judges thereof become circuit judges they shall be in addition to those required heretofore in this paragraph. The county of residence of any circuit judge may be fixed by law but shall not be changed with respect to an encumbent during his continuous tenure in office without his consent.

(d) JURISDICTION—The circuit courts shall have exclusive original jurisdiction in all criminal cases in which capital punishment may be imposed; in all cases in equity except such equity jurisdiction as may be conferred by law on courts exercising juvenile or probate jurisdiction; in all cases involving the titles or boundaries of real estate, except such jurisdiction as may be conferred by law on courts exercising probate jurisdiction; in all cases involving the legality of any tax, assessment, or toll; in all judicial proceedings jurisdiction of which is not vested in other courts; and such jurisdiction of appeals from other trial courts as is prescribed by law. They shall have power to issue writs of mandamus, injunctions, certiorari, prohibition, quo warranto, habeas corpus and all other writs necessary or proper to the complete exercise of their jurisdiction. They shall have the power of direct review of administrative action prescribed by law.

Section 9. COUNTY COURTS OF RECORD—

(a) In each county there shall be a county court of record unless that court shall have been abolished by vote of the electors of such county pursuant to law, and not re-established in the same manner. If any county court of record is abolished the judges thereof shall become circuit judges if otherwise qualified under Section 14 of this article.

(b) COUNTY COURT OF RECORD JUDGES—There shall be provided by law one or more judges for each county court of record.

(c) JURISDICTION—Except for the exclusive jurisdiction of the circuit courts, county courts of record shall have the original jurisdiction prescribed by general law in the enactment of which counties may be reasonably classified on the basis of population into not more than three classes.

Section 10. MAGISTRATE COURTS—

(a) COURTS—There shall be a magistrate court in each county.

(b) NUMBER OF JUDGES—There shall be provided by law one or more judges for each magistrate court, as provided by law. When provided by law, the judge or judges of the county court of record shall preside in a magistrate court within the county.

(c) JURISDICTION—Except for the exclusive jurisdiction of the circuit courts, the judges of magistrate courts shall perform such duties and exercise such jurisdiction as shall be prescribed by general law, in the enactment of which counties may be reasonably classified on the basis of population into not more than three classes.

Section 11. ORDINANCES OF COUNTIES AND MUNICIPALITIES—In the manner and subject to the conditions prescribed by law, any county or municipality may authorize an appropriate county court of record if any or magistrate court to issue process and try violations of its ordinances.

Section 12. ADDITIONAL JUDGES—Additional judges for any court except the supreme court shall be authorized by law upon certification of need by the supreme court.

Section 13. SPECIALIZED DIVISIONS OF COURT—

(a) In each county court of record there shall be a juvenile division, a probate division, a criminal division, and such other divisions as may be established by law. If any county court of record is abolished the circuit court of the county shall have a juvenile division, a probate division, and a criminal division and such other specialized divisions in the circuit court as may be

established by law. Provision shall be made by general law for the payment of the nonjudicial salaries and the expenses of the specialized division of courts by the state or the respective counties.

(b) Circuit judges of juvenile divisions, probate divisions, and criminal divisions, and of other divisions when provided by law and judges of county courts of record in counties having a population in excess of 100,000 inhabitants and in other counties when provided by law, shall be appointed or elected to the specialized divisions of their respective courts as may be prescribed by law. All judges shall have jurisdiction to hear all causes within the jurisdiction of their respective courts.

Section 14. *ELIGIBILITY*—A justice or judge shall be a citizen of the state and reside within the territorial jurisdiction of his court. A justice of the supreme court or judge of a district court of appeal must have been a member of the bar of Florida for the preceding ten years. A judge of the circuit court and a judge of a county court of record having trial jurisdiction of felonies must have been a member of the bar of Florida for the preceding five years. Judges of other county courts of record and judges of magistrate courts must be members of the bar of Florida unless otherwise provided by general or special law.

Section 15. *ELECTIONS—TERMS*—

(a) Justices and judges shall be elected in nonpartisan elections as provided by law.

(b) The terms of all justices and judges shall be not less than six years. The terms of justices of the supreme court and judges of the district courts of appeal shall be appropriately staggered.

Section 16. *VACANCIES*—

(a) The governor shall fill each vacancy in judicial office by appointing one of not fewer than three persons nominated by a judicial nominating commission established by law. If the governor fails to make the appointment within thirty days after the nominations have been certified to him, the supreme court shall make the appointment from those so nominated. Each appointment under this section shall be for a term ending on the first Tuesday after the first Monday in January following the next general election after the appointee has served twelve months in office.

(b) There shall be separate judicial nominating commissions for the supreme court, each district court of appeal and each judicial circuit. The nominating commission for the supreme court and the nominating commission for each district court of appeal shall make nominations for each vacancy in the office of justice or judge of such court, and the commission for each judicial circuit shall make nominations for each vacancy occurring in the office of judge of any court having territorial jurisdiction exclusively within that judicial circuit.

(c) The composition of the nominating commissions, their operating procedures, the terms of the members, which shall be staggered, and the conditions of service thereon shall be prescribed by law. No member shall hold office in a political party, or be eligible to succeed himself after having served a full term, or be nominated to judicial office by a commission during or within one year after service thereon.

Section 17. *DISCIPLINE, RETIREMENT AND REMOVAL*—

(a) There shall be a judicial qualifications commission composed of:

(1) Two judges of district courts of appeal, two judges of circuit courts, one judge of a county court and one judge of a magistrate court, selected by the judges of the respective categories of courts;

(2) Two electors who have resided in, and been members of the bar of, the state for eight years, appointed by the governing body of the bar of Florida;

(3) Three electors who have resided in the state for five years and have never held judicial office or been members of the bar, appointed by the governor.

(b) The members of the judicial qualifications commission shall serve appropriately staggered terms fixed by law. No member of the commission shall hold office in a political party or, except as provided herein, public office. The commission shall elect one of its members as its chairman.

(c) The supreme court shall adopt rules regulating proceedings by the commission and the temporary replacement of disqualified or incapacitated members. After recommendation of removal of any justice or judge, the proceedings of the commission relating thereto shall be made public.

(d) Upon recommendation of the judicial qualifications commission, concurred in by two-thirds of its members, the supreme court may order that any justice or judge, except judges of municipal courts and of courts of chartered counties, may be disciplined by private reprimand; removed from office, with termination of compensation, for willful or persistent failure to perform his duties or for other conduct unbecoming a member of the judiciary; or involuntarily retired for any disability which seriously interferes with the performance of his duties and which is, or is likely to become, permanent.

(e) A justice or judge shall not serve after attaining the age of seventy years except to complete a term half of which he has served.

(f) A justice or judge involuntarily retired for disability after ten years of judicial service shall thereafter receive retirement pay as fixed by law not less than two-thirds his compensation at time of retirement.

(g) This section shall be cumulative to the power of impeachment.

(h) A justice or judge removed from office shall be subject to discipline as an attorney for professional misconduct prior to or during his tenure in office.

Section 18. *PROHIBITED ACTIVITIES*—Justices of the supreme court, judges of district courts of appeal, judges of circuit courts and judges of county courts of record shall devote full time to their judicial duties. They shall not engage in the practice of law nor hold office in any political party. Similar prohibitions with respect to judges of other courts may be provided by law.

Section 19. *JUDICIAL SALARIES*—

(a) All justices and judges, except judges of municipal courts and judges of courts created to try violations of county ordinances, shall be compensated only by salaries fixed by general law, which shall not be diminished during the terms for which they have been elected or appointed unless as a part of a general reduction of salaries applying uniformly to all salaried offices of the state. There shall be no special law nor general law of local application fixing judicial salaries, except judicial circuits and counties may be classified on the basis of population for the purpose of fixing judicial salaries. Judges of county courts of record and magistrate courts may also be compensated for non-judicial services as provided by law.

(b) Provision shall be made by general law for the payment of the necessary office expenses of justices and judges.

Section 20. *GRAND JURIES*—

(a) The composition, length of services and number of grand juries shall be prescribed by general law. For these purposes, counties may be reasonably classified on the basis of population.

(b) A grand jury shall be convened by the circuit court in each county at least once in each year.

(c) The proceedings of grand juries shall be regulated by rules of the supreme court.

(d) Except as a reasonable incident to a report of its findings relating to the adequacy and care of public property and facilities, the conduct of public business or the performance of duties by public officers or employees, no grand jury shall make a presentment, other than a formal charge of crime, which is derogatory of any person.

Section 21. *STATE ATTORNEYS*—In each judicial circuit a state attorney shall be elected for a term of four years by the electors to perform duties prescribed by law. State attorneys shall appoint such number of assistant state attorneys as may be authorized by law. The salaries of state attorneys and assistant state attorneys shall be fixed by general law, except judicial circuits may be reasonably classified on basis of population for the purpose of fixing salaries of state attorneys. A state

attorney or assistant state attorney prosecuting persons charged with violations of county or municipal ordinances may be paid additional compensation by the county or municipality.

Section 22. *ATTORNEYS, ADMISSION AND DISCIPLINE*—

The supreme court shall have exclusive jurisdiction to regulate, in such manner and through such agencies as may be prescribed by its rules, the admission of persons to the practice of law and the discipline of persons admitted.

Section 23. *JUDICIAL OFFICERS AS CONSERVATORS OF THE PEACE*—

All judicial officers in this state shall be conservators of the peace.

SCHEDULE

Section 24. *JUDICIARY*—

(a) *EFFECTIVE DATE*—Article V of this constitution shall take effect at 12:01 A.M., January 1, A.D., 1972.

(b) *IMPLEMENTING LEGISLATION*—At the regular session of the legislature convened in the year 1971 statutes shall be enacted implementing Article V of this constitution which shall:

(1) Within the limits of this constitution fix initially the jurisdiction of all courts provided for in Article V.

(2) Provide for the transfer of all cases pending in courts abolished by this constitution to the courts which would have jurisdiction had they been instituted after the effective date of this constitution.

(3) Provide for the assignment of all judges of courts abolished by this constitution to serve for the remainder of their respective terms as judges of courts authorized by this constitution or for the payment of their compensation for the remainder of their respective terms.

(4) Provide for necessary additional judges in trial courts with initial terms expiring contemporaneously with those of other judges of the same courts. There shall not be fewer circuit judges than required by Article V, Section 8 (c), with one additional circuit judge in the Fourth Judicial Circuit (in which is located Duval County), one additional circuit judge in the circuit in which the state capitol is located and three additional circuit judges in the first judicial circuit. The judges of the court of record of Escambia County shall become such additional circuit judges of the first judicial circuit and their terms of office shall be coextensive with the terms of all other circuit judges. When at any regular or special census, taken after the effective date of this Article, the first or fourth judicial circuit becomes entitled to one or more additional circuit judges, the extra judges provided in this section shall be diminished proportionately.

(5) Provide for any specialized divisions in county courts of record not expressly established herein, and provide for the judges thereof.

(c) Should the laws required by sub-section (b) of this section not be enacted prior to July 1, 1971, the supreme court shall adopt rules implementing Article V of this constitution in the particulars specified in sub-section (b) of this section, and these rules shall have the force and effect of law until such statutes have been enacted.

(d) County judges, the judges of all courts of record by whatever name designated (except the Court of Record of Escambia County and small claims courts), Civil Claims Court of Hillsborough County, and the judges of juvenile courts who hold no other office, shall become judges of the county court of record of the county in which they reside, and shall become judges of the appropriate specialized divisions of such court or of such divisions as may be provided by law.

(e) Justices of the peace, and the judges of small claims courts who hold no other office, shall become judges of magistrates courts, each serving, for the remainder of his term, a magistrates court district identical with his former jurisdiction.

(f) The provision for automatic retirement in Section 17 (a) of this Article shall not apply to any justice or judge exempted

from such retirement under Section 26 (13) of Article V of the Constitution of 1885, as amended in 1956.

(g) *PRESERVATION OF EXISTING GOVERNMENT*—All provisions of Article V of the Constitution of 1885, as amended, not embraced herein which are not inconsistent with this Article shall become statutes subject to modification or repeal as are other statutes.

(h) Until otherwise provided by vote of the electors of such circuit the third and nineteenth circuits as they exist January 1, 1972, shall each constitute a judicial circuit.

Pending further consideration of the amendment by Senators Weissenborn, Bell and Lane, the hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:00 noon to reconvene at 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:30 p.m. A quorum present—46:

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

SPECIAL AND CONTINUING ORDER

The Senate resumed consideration of—

SJR 36—A joint resolution proposing a revision of Article V of the State Constitution relating to the judicial department of the government.

The question recurred on the adoption of an amendment by Senators Weissenborn, Bell and Lane which was pending consideration at the hour of recess. The amendment failed.

Senators Bell and Lane offered the following amendment which was moved by Senator Bell and failed:

In Section 7, lines 29-30, page 6, lines 1-4, pages 5 and 6, strike the entire subsection (a) and insert the following:

(a) County Courts.—In each county there shall be a county court unless that court shall have been abolished, and not re-established, by vote of the electors pursuant to law.

On motion by Senator Askew, SJR 36 as amended was read the third time in full as follows:

SJR 36—A joint resolution proposing a revision of Article V of the State Constitution relating to the judicial department of the government.

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

That the following proposed revision of Article V of the State Constitution is agreed to and shall be submitted to the electors of Florida for ratification or rejection at the next general election to be held in November, 1970.

(Substantial rewording of article. For present text see Article V, State Constitution.)

ARTICLE V
JUDICIARY

SECTION 1. Courts.—The judicial power shall be vested in a supreme court, district courts of appeal, circuit courts, county courts, magistrates' courts, and courts established for the trial of offenses against ordinances of municipalities and chartered counties. Administrative officers or bodies may be granted quasi-judicial power in matters connected with the functions of

their offices, and their orders shall be reviewed as provided by law. The jurisdiction of the courts shall be established uniformly by law except as authorized herein.

SECTION 2. Administration—practice and procedure.—The supreme court shall adopt rules governing:

(a) The administrative supervision of all courts established by this article;

(b) The assignment of justices and judges, including consenting retired justices and judges, to temporary duty in any courts;

(c) Practice and procedure in all courts, including the time for seeking appellate review;

(d) The times and places for holding court; and

(e) The transfer of any matter to the proper court when the jurisdiction of any court has been improvidently invoked.

SECTION 3 Chief justice.—

(a) The chief justice of the supreme court shall be the chief administrative officer of the judicial system.

(b) At the beginning of each regular session of the legislature the chief justice shall by message inform it of the condition of the judicial system and recommend measures for the improvement of the administration of justice.

SECTION 4. Supreme Court.—

(a) **ORGANIZATION.**—The supreme court shall consist of seven (7) justices, one (1) of whom shall be chosen the chief justice by the members of the court. Five (5) justices shall constitute a quorum. The concurrence of four (4) shall be necessary to a decision.

(b) **JURISDICTION.**—The supreme court:

(1) Shall hear appeals from final judgments of trial courts imposing the death penalty and from orders of trial courts and decisions of district courts of appeal initially and directly passing on the validity of a state statute or a federal statute or treaty, or construing a provision of the state or federal constitution.

(2) May review by certiorari any decision of a district court of appeal that affects a class of constitutional or state officers, that passes upon a question certified by the district court of appeal to be of great public interest, or that is in direct conflict with a decision of another district court of appeal or of the supreme court on the same question of law, and may issue writs of prohibition to courts and commissions in causes within the jurisdiction of the supreme court to review, and all writs necessary to the complete exercise of its jurisdiction.

(3) When provided by law, shall hear appeals from final judgments and orders of trial courts imposing life imprisonment or entered in proceedings for the validation of bonds or certificates of indebtedness and issue writs of certiorari to commissions established by law and writs of mandamus and quo warranto to state officers and state agencies.

SECTION 5. District courts of appeal.—

(a) **APPELLATE DISTRICTS.**—The state by law shall be divided into not less than four (4) appellate districts of one (1) county or contiguous counties. There shall be a district court of appeal in each district consisting of not less than three (3) judges. Three (3) judges shall consider each case, and the concurrence of two (2) shall be necessary to a decision.

(b) **JURISDICTION.**—

(1) District courts of appeal shall have jurisdiction to hear appeals, which may be taken as a matter of right, from final judgments or orders of trial courts, including those entered on review of administrative action, not directly appealable to the supreme court or a circuit court. They may review interlocutory orders or decrees in such cases to the extent provided in rules adopted by the supreme court.

(2) They shall have the powers of direct review of administrative action prescribed by law.

(3) A district court of appeal or any judge thereof may issue writs of habeas corpus returnable before that district court of appeal or any judge thereof or before any circuit judge in that district. A district court of appeal may issue writs of mandamus, certiorari, prohibition, quo warranto, and other writs necessary to the complete exercise of its jurisdiction. To the extent necessary to dispose of all issues in a cause properly before it, a district court of appeal may exercise any of the appellate jurisdiction of the circuit courts.

SECTION 6. Circuit courts.—

(a) **JUDICIAL CIRCUITS.**—The state by law shall be divided into judicial circuits, each composed of one (1) county or contiguous counties, and containing at least one hundred thousand (100,000) inhabitants according to the last decennial census, except that the county of Monroe shall constitute one (1) of the circuits.

(b) **CIRCUIT COURTS.**—There shall be a circuit court in each judicial circuit.

(c) **CIRCUIT JUDGES.**—There shall be at least one (1) circuit judge in each circuit for each fifty thousand (50,000) inhabitants or major fraction thereof according to the last census authorized by law. The county of residence of any circuit judge may be fixed by law, but shall not be changed with respect to an incumbent during his continuous tenure in office without his consent.

(d) **JURISDICTION.**—The circuit courts shall have all original jurisdiction not vested in other courts, and such jurisdiction of appeals from other trial courts as is prescribed by law. They shall have power to issue writs of mandamus, injunction, certiorari, prohibition, quo warranto, habeas corpus, and all other writs necessary or proper to the complete exercise of their jurisdiction. They shall have the power of direct review of administrative action prescribed by law.

SECTION 7. County courts.—

(a) **COUNTY COURTS.**—In each county having a population of not more than one hundred thousand (100,000) inhabitants, according to the latest decennial census, there shall be a county court unless that court shall have been abolished, and not reestablished, by vote of the electors pursuant to law.

(b) **COUNTY JUDGES.**—There shall be provided by law one (1) or more judges for each county court.

(c) **JURISDICTION.**—County courts shall have the jurisdiction prescribed by general law. Conditions upon which chartered counties or municipalities may authorize county courts to issue process and try violations of their ordinances may be prescribed by law.

SECTION 8. Magistrates' courts.—

(a) **COURTS.**—There shall be a magistrate's court in each county, or, if the county be divided by law into magistrate's court districts, in each magistrate's court district, unless that court shall be abolished, and not reestablished, by vote of the electors pursuant to law. Magistrate's court districts may be consolidated or changed by law.

(b) **NUMBER OF JUDGES.**—There shall be one (1) or more judges for each magistrate's court as provided by law. When provided by law, the county judge of any county shall be ex officio judge of a magistrate's court within the county.

(c) **JURISDICTION.**—The judges of magistrates' courts shall perform such duties and exercise such jurisdiction as shall be prescribed by general law. Conditions upon which chartered counties or municipalities may authorize magistrates' courts to issue process and try violations of their ordinances may be prescribed by law.

SECTION 9. Additional judges.—Additional judges for any court except the supreme court may be authorized by law upon certification of need by the supreme court.

SECTION 10. Specialized divisions of circuit courts.—

(a) In counties having a population in excess of one hundred thousand (100,000), and in other counties when provided by law, there shall be in the circuit court a domestic relations and juvenile division, a probate division, a criminal division, and

such other divisions as may be established by law, each exercising the specific jurisdiction fixed by law.

(b) Judges of specialized divisions shall be chosen by the electors of the county or counties in which their respective divisions have jurisdiction. All judges of the court shall have jurisdiction to hear all causes within the jurisdiction of the court.

SECTION 11. Eligibility.—A justice or judge shall be a citizen of the state and reside in the territorial jurisdiction of his court. A justice of the supreme court or judge of a district court of appeal must have been a member of the bar of Florida for the preceding ten (10) years. A judge of a circuit court must have been a member of the bar of Florida for the preceding five (5) years. Each judge of a county court or magistrate's court must be a member of the bar of Florida unless otherwise provided by general or special law.

SECTION 12. Vacancies.—The governor shall fill each vacancy in judicial office by appointing one (1) of not fewer than three (3) persons nominated by a judicial nominating commission. Judicial nominating commissions shall be established by law. Their members shall be appointed by, and serve terms concurrent with that of, the governor. They shall not be officers of any political party nor, after appointment to a full term, be eligible to serve any part of the succeeding term. No person who has been a member of a judicial nominating commission during the preceding twelve (12) months shall be nominated for judicial office. All appointments to judicial office shall be made with the advice and consent of the Senate.

SECTION 13. Elections—terms.—

(a) Justices and judges shall be chosen by the electors within the territorial jurisdiction of their respective courts in the same manner as other state and county officers are elected, or, when provided by general law, by majority vote in nonpartisan elections.

(b) The terms of all justices of the supreme court, judges of district courts of appeal and circuit judges shall be for six (6) years. The terms of judges of county courts and magistrates' courts shall be prescribed by law. The terms of justices of the supreme court and judges of the district courts of appeal shall be appropriately staggered.

SECTION 14. Discipline—retirement—removal.—

(a) There shall be a judicial qualifications commission composed of:

(1) Two judges of the district courts of appeal appointed by the judges of those courts and two circuit court judges appointed by the judges of those courts; and in addition thereto, the legislature may add one judge of a county court appointed by the judges of those courts and one judge of the magistrates' court appointed by the judges of those courts;

(2) Two (2) electors who have resided in and been members of the bar of the state for eight (8) years, appointed by the governing body of the bar of Florida;

(3) Three (3) electors who have resided in the state for five (5) years and have never held judicial office or been members of the bar, appointed by the governor.

(b) The members of the judicial qualifications commission shall serve appropriately staggered terms fixed by law. No member of the commission shall hold office in a political party or, except as provided herein, public office. The commission shall elect one (1) of its members as its chairman.

(c) The supreme court shall adopt rules regulating proceedings by the commission and the temporary replacement of disqualified or incapacitated members. After recommendation of removal of any justice or judge, the proceedings of the commission relating thereto shall be made public.

(d) Upon recommendation of the judicial qualifications commission, concurred in by two thirds (2/3) of its members, the supreme court may order that any justice of the supreme court, judges of the district courts of appeal and circuit courts, and if provided by law the judges of county courts and magistrates' courts, may be disciplined by private reprimand; removed from office, with termination of compensation, for willful or persistent failure to perform his duties or for other conduct un-

becoming a member of the judiciary; or involuntarily retired for any disability which seriously interferes with the performance of his duties and which is permanent.

(e) A justice or judge shall not serve after attaining the age of seventy (70) years except to complete a term half of which he has served or to serve upon temporary assignment.

(f) The power of removal conferred by this section shall be cumulative to the power of impeachment; and, in the event the legislature adds a judge of a county court and a judge of a magistrates' court to this commission, the power of removal conferred upon the commission shall be cumulative to the power of removal of the governor as to judges of county courts and judges of magistrates' courts.

(g) A justice or judge removed from office shall be subject to discipline as an attorney for professional misconduct prior to or during his tenure in office.

SECTION 15. Prohibited activities.—Justices of the supreme court, judges of district courts of appeal and judges of circuit courts shall devote full time to their judicial duties. They shall not engage in the practice of law or hold office in any political party. Similar prohibitions with respect to judges of other courts may be provided by law.

SECTION 16. Judicial salaries.—Justices of the supreme court, judges of the district courts of appeal and circuit courts shall be compensated by state salaries fixed by general law which shall not be diminished during the terms for which they have been elected or appointed, unless as a part of a general reduction of salaries applying uniformly to all salaried officers of the state, and which shall not be supplemented by any county or municipality. Judicial circuits and counties may be reasonably classified for the purpose of fixing judicial salaries. No circuit judge shall be paid a salary equal to or greater than the salary paid judges of district courts of appeal nor shall any judge of a district court of appeal be paid a salary equal to or greater than the salary paid to the justices of the supreme court. The salaries of judges of county courts and magistrates' courts shall be fixed by general law and the judges of said courts may also be compensated for nonjudicial services as provided by law.

SECTION 17. Grand juries.—

(a) The composition, length of service and number of grand juries shall be prescribed by general law. For these purposes, counties may be reasonably classified on the basis of population.

(b) A grand jury shall be convened in each county at least once in each year.

(c) The proceedings of grand juries shall be regulated by rules of the supreme court.

(d) Except as a reasonable incident to a report of its findings relating to the adequacy and care of public property and facilities, the conduct of public business or the performance of duties by public officers or employees, no grand jury shall make a presentment, other than a formal charge of crime, which is derogatory of any person.

SECTION 18. State attorneys.—In each judicial circuit a state attorney shall be elected for a term of four (4) years by the electors to perform duties prescribed by law. State attorneys shall appoint such number of assistant state attorneys as may be authorized by law. The salaries of state attorneys and assistant state attorneys shall be fixed by general law, paid from state funds, and shall not be supplemented by any county or municipality. Judicial circuits and counties may be reasonably classified for the purpose of fixing these salaries. A state attorney or assistant state attorney prosecuting persons charged with violations of county or municipal ordinances or who also serves as the county solicitor in the prosecution of misdemeanors may be paid additional compensation by the county or municipality.

SECTION 19. Attorneys; admission and discipline.—The supreme court shall have exclusive jurisdiction to regulate, in such manner and through such agencies as may be prescribed by its rules, the admission of persons to the practice of law and the discipline of persons admitted.

SECTION 20. Trial by jury.—Every charge of violation of a county or municipal ordinance, which is also a violation of state law, in a court in which a jury trial is not provided shall be transferred, upon demand of the defendant, to an appropriate court in which a trial by jury may be secured.

SECTION 21. Schedule.—

(a) This article shall replace all of Article V of the Constitution of 1885, as amended, which shall then stand repealed.

(b) Except to the extent inconsistent with the provisions of this article, all provisions of law and rules of court in force on the effective date of this article shall continue in effect until superseded in a manner authorized by the constitution.

(c) **JURISDICTION OF COURTS.**—After this article becomes effective, and until changed by law consistent with this article:

(1) The supreme court shall have the jurisdiction immediately theretofore exercised by it, except original jurisdiction in cases of habeas corpus.

(2) District courts of appeal shall have the jurisdiction immediately theretofore exercised by them.

(3) Circuit courts shall have the jurisdiction immediately theretofore exercised by them and by all the courts abolished by this article, except the jurisdiction vested by this article in other courts.

(4) County courts shall have jurisdiction of civil cases at law in which the demand of value of property involved shall not exceed two thousand dollars (\$2,000.00), exclusive of interest, and of the trial of misdemeanors and all the jurisdiction immediately theretofore exercised by county judges' courts, except matters within the jurisdiction of magistrates' courts. They shall have the jurisdiction theretofore exercised by juvenile courts except in counties in which domestic relations and juvenile divisions of the circuit court are created by this article.

(5) Magistrates' courts in each county shall exercise in their respective counties and districts the jurisdiction in civil cases and the trial jurisdiction in criminal cases exercised by the respective small claims courts, small claims-magistrate courts, traffic court of Hillsborough County, and justice of the peace courts immediately before this article became effective, each judge being limited to the jurisdiction theretofore exercised by the court of which he was judge. All judges of magistrates' courts shall be coroners and committing magistrates.

(d) **TRANSFER OF PENDING CASES—TRANSFER OF JUDGES.**—When this article becomes effective:

(1) All courts not herein authorized shall cease to exist and jurisdiction to conclude all pending cases and enforce all prior judgments shall vest in the court which, under this article, would have jurisdiction of the cause if thereafter instituted. All records of, and property held by, courts abolished hereby shall be transferred to the proper officer of the appropriate court under this article.

(2) County judges in all counties having a population in excess of one hundred thousand (100,000) according to the latest decennial census, the judges of juvenile courts who hold no other office, the judges of all courts of record by whatever name designated in Dade, Hillsborough and Escambia counties, the judges of the criminal courts of record of Duval, Monroe, Orange, Palm Beach, and Polk Counties and of the felony court of record of Volusia County, the judges of the civil and criminal court of record of Pinellas County and the courts of record of Broward and Brevard Counties shall become judges of the circuit court of the circuit in which they reside. All judges of the criminal courts of record of Dade, Duval, Hillsborough, Monroe, Orange, Palm Beach, and Polk Counties and of the felony court of record of Volusia County and an appropriate number of judges of the civil and criminal court of record of Pinellas County and the courts of record of Broward and Brevard Counties shall be assigned by the chief justice of the supreme court to service in special criminal divisions of the circuit court. Judges of juvenile courts and of the juvenile division of the court of record of Escambia County who become judges of circuit courts shall be assigned to domestic relations and juvenile divisions of the circuit courts, and county judges who become judges of circuit courts shall be assigned to the probate divisions of the circuit courts.

(3) In counties having a population of not over one hundred thousand (100,000) according to the latest decennial census the county judges and the judges of the court of record of Alachua County shall become the judges of the county courts.

(4) Justices of the peace, judges of the small claims-magistrate courts, traffic court of Hillsborough County, and the judges of small claims courts who hold no other office, shall become judges of magistrates' courts, each serving, for the remainder of his term, a magistrate's court district identical with his former territorial jurisdiction.

(5) Until otherwise provided by county charter or by vote of the electors pursuant to law, there shall be a constable, elected for a term of four (4) years, in each magistrate's court district succeeding to the territory of a justice of the peace district existing immediately before the effective date of this article.

(e) **SPECIAL LOCAL PROVISIONS.**—Until changed by law the following special provisions shall apply to the designated courts and counties superseding inconsistent general provisions:

(1) The County Court of Alachua County shall continue to exist if said county attains a population of one hundred thousand (100,000), and the judges of said county court shall remain judges of that court until it is changed by law or until July 1, 1980, whichever occurs first.

(2) In Escambia County until otherwise provided by law approved by vote of the electors, and in Broward County until otherwise provided by law there shall be a county clerk who shall also be clerk of the board of county commissioners, county recorder, and ex officio auditor and shall perform the duties prescribed by law. When this article becomes effective, for the remainder of their respective terms, in Escambia County the clerk of the circuit court shall become county clerk, and in Broward County the clerk of the court of record shall become county clerk.

(3) In Escambia County, until otherwise provided by law approved by vote of the electors, the clerk of the circuit court shall serve as clerk of all magistrates' courts and perform duties prescribed by law. The person holding the office of the clerk of the court of record of Escambia County on the effective date of this article shall be the clerk of the circuit court for the remainder of the term.

(f) **LIMITED OPERATION OF SOME PROVISIONS.**—

(1) The qualifications for appointment or election to judicial office fixed by section 11 shall not apply to the future election of persons to judicial offices held by them immediately after this article becomes effective.

(2) No justice or judge holding office immediately after this article becomes effective who held judicial office on June 30, 1957, shall be subject to retirement from judicial office pursuant to section 14(e).

(g) **NUMBER OF JUDGES.**—Until changed by law the number of judges of the circuit court in each circuit shall be that number required by section 6(c), increased by the number of judges of other courts becoming circuit judges by operation of Article V, section 21, with one (1) additional judge in the circuit in which is located Duval County and one (1) additional judge in the circuit in which is located the state capital.

(h) **ELECTION OF JUDGES.**—Should provision be made by law for the nonpartisan election of justices and judges in odd-numbered years, the first such law may provide that the term of each judicial office beginning next after the first such election shall be one (1) year shorter than as otherwise provided herein.

(i) **NONJUDICIAL DUTIES OF COUNTY JUDGES.**—Until otherwise provided by law, the nonjudicial duties required of county judges shall be performed by the judges of the county courts in counties in which that office exists, and in counties in which there is no county court they shall be performed by the officers to whom they may be assigned by proclamation of the governor.

(j) **COUNTY SOLICITORS, PROSECUTING ATTORNEYS.**—Until otherwise provided by law, county solicitors and county prosecuting attorneys, when those offices exist by law, shall prosecute the classes of crime within the jurisdiction of their respective offices immediately prior to the date this article

becomes effective. The office of county solicitor of Escambia County shall not be abolished except by vote of the electors of Escambia County.

(k) **POPULATION CHANGES.**—The county judge of a county which attains a population of more than one hundred thousand (100,000) inhabitants according to the decennial census taken next after this article becomes effective shall become a judge of the circuit court of the circuit in which the county is located and shall be assigned to the probate division of that court, provided however, notwithstanding the provisions of section 7(a), or this section, the County Court of Alachua County shall continue to exist if said county attains a population of one hundred thousand (100,000), and the judges of said county court shall remain judges of that court, until it is changed by law or until July 1, 1980, which ever occurs first.

(L) **CLERKS OF COURTS.**—After the effective date of this article, clerks of courts shall continue to serve as follows:

(1) Except as hereinafter provided, the clerks of the circuit court will continue to serve in such offices in their respective counties.

(2) In counties having fewer than one hundred thousand (100,000) population, the elective clerks of the courts abolished by this schedule who are in office on the effective date hereof shall serve out the remainder of their terms as clerks of the county courts in their respective counties.

(3) Except as hereinafter provided, in counties having in excess of one hundred thousand (100,000) population, the elective clerks of the courts abolished by this schedule who are in office on the effective date hereof shall serve out the remainder of their terms as deputies to the clerks of the circuit court in their respective counties.

(4) In Escambia County until otherwise provided by law approved by vote of the electors, and in Broward County until otherwise provided by law there shall be a county clerk who shall also be clerk of the board of county commissioners, county recorder, and ex officio auditor and shall perform the duties prescribed by law. When this article becomes effective, for the remainder of their respective terms, in Escambia County the clerk of the circuit court shall become county clerk, and in Broward County the clerk of the court of record shall become county clerk.

(5) In Escambia County until otherwise provided by law approved by vote of the electors, the clerk of the circuit court shall serve as clerk of all magistrates' courts and perform duties prescribed by law. The person holding the office of the clerk of the court of record of Escambia County on the effective date of this article shall be the clerk of the circuit court for the remainder of the term.

(m) **DELETION OF OBSOLETE SCHEDULE ITEMS.**—The legislature shall have power, by joint resolution, to delete from this article any subsection of this section 21, including this subsection, when all events to which the subsection to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this subsection shall be subject to judicial review.

(n) **EFFECTIVE DATE.**—Unless otherwise provided herein, this article shall become effective at 12:01 o'clock A.M. Eastern Standard Time, July 1, A.D., 1971.

—and passed as amended by the required Constitutional three-fifths vote of all members elected to the Senate. The vote was:

Yeas—35

Mr. President	Fincher	McClain	Slade
Askew	Friday	Myers	Stone
Barron	Gunter	Ott	Thomas
Beaufort	Haverfield	Plante	Trask
Boyd	Hollahan	Poston	Weissenborn
Broxson	Johnson	Saunders	Williams
Chiles	Karl	Sayler	Wilson
de la Parte	Knopke	Scarborough	Young
Ducker	Lane	Shevin	

Nays—5

Barrow	Bishop	Horne	Weber
Bell			

Senators Pope, Bafalis, Henderson and Reuter were recorded as voting yea. Senator Gong was recorded as voting nay.

Senator Weissenborn moved that the Senate reconsider the vote by which SJR 36 as amended passed the Senate this day.

On substitute motion by Senator Slade, the rules were waived and the Senate immediately reconsidered the vote by which SJR 36 as amended passed the Senate this day.

The question recurred and SJR 36 passed as amended by the required Constitutional three-fifths vote of all members elected to the Senate and was ordered engrossed. The vote was:

Yeas—34

Mr. President	Fincher	Myers	Stone
Askew	Friday	Ott	Thomas
Barron	Gunter	Plante	Trask
Beaufort	Haverfield	Poston	Weissenborn
Boyd	Hollahan	Saunders	Williams
Broxson	Johnson	Sayler	Wilson
Chiles	Karl	Scarborough	Young
de la Parte	Knopke	Shevin	
Ducker	McClain	Slade	

Nays—6

Barrow	Bishop	Lane	Weber
Bell	Horne		

Senators Pope, Bafalis, Henderson and Reuter were recorded as voting yea. Senator Gong was recorded as voting nay.

On motion by Senator Askew, SJR 36 was ordered immediately certified to the House after engrossing.

SB 204—A bill to be entitled An act relating to local government; providing residual powers to municipalities; providing an effective date.

Was taken up and read the second time by title.

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

In Section 1, line 16, page 1, after the words "municipal purposes." insert the following: "except when prohibited by general or special law."

Senator Shevin offered the following amendment which was adopted:

In Section 2, line 20, page 1, strike all of Section 2 and insert the following: Section 2. The provisions of this act shall be so construed as to secure for municipalities the broad exercise of home rule powers granted by the constitution.

Senator Shevin also offered the following amendment which was adopted:

In title, line 3, page 1, strike all of title and insert the following: A bill to be entitled An Act relating to local government; defining home rule powers of municipalities; providing an effective date.

Pending further consideration of SB 204 as amended, on motion by Senator Myers, by two-thirds vote, HB 505 was withdrawn from the Committee on Governmental Organization and placed on the Calendar.

On motion by Senator Myers—

HB 505—A bill to be entitled An act relating to local government; defining home rule powers of municipalities; providing an effective date.

—a companion measure to SB 204 was substituted therefor and read the second time by title.

Senator Sayler offered the following amendment which failed:

In Section 2, line 20, page 1, strike: "home rule."

On motion by Senator Myers, the rules were waived and HB 505 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

Mr. President	Friday	Lane	Scarborough
Askew	Gong	McClain	Shevin
Beaufort	Gunter	Myers	Thomas
Bell	Haverfield	Ott	Weber
Broxson	Hollahan	Pope	Weissenborn
Chiles	Horne	Poston	Wilson
de la Parte	Johnson	Reuter	Young
Ducker	Karl	Saunders	
Fincher	Knopke	Sayler	

Nays—6

Bafalis	Bishop	Henderson	Plante
Barron	Boyd		

Unanimous consent was granted Senator Barron to change his vote from nay to yea.

SB 584—A bill to be entitled An act relating to county government; providing that counties shall have all powers of local self-government not inconsistent with general or special law; providing an effective date.

Was taken up and read the second time by title.

Senator Shevin offered and moved the following amendment:

In Section 1, line 11, page 1, strike all of Section 1 and insert the following:

Section 1. In accordance with the provisions of Article VIII, section 1 of the state constitution, Counties shall have governmental, corporate and proprietary powers to enable them to conduct county government, perform county functions and render county services, and may exercise any power for county purposes, except when prohibited by general or special law.

Section 2. The powers referred to in this act shall be exercised by the boards of county commissioners by the enactment of county ordinances pursuant to law.

Section 3. The provisions of this act shall be so construed as to secure for counties the broad exercise of home rule powers granted by the constitution.

Section 4. This act shall take effect upon becoming law.

Senator Horne offered the following amendment to the amendment which was adopted:

In line 5, following "may exercise any" insert such

The amendment as amended was adopted.

Senator Shevin offered the following amendment which was adopted:

In title, line 3, page 1, strike all of title and insert the following: A bill to be entitled An act relating to county government; providing that counties shall have all powers of local self-government not inconsistent with general or special law; defining home rule powers of counties; providing an effective date.

Senator Wilson offered the following amendment which failed:

Strike: everything after the enacting clause and insert the following:

PART I
DEFINITIONS

Section 1. Definitions.—As used in this act:

(1) "Board" means the board of county commissioners of a county.

(2) "County purpose" means any activity by the county through its board which is a benefit to and for the health, welfare, safety, and convenience of the citizens of the county.

(3) "Electors" means all persons registered to vote in accordance with law within the affected area.

(4) "Facility" means any special service, improvement, system or project authorized by section 3(1) of this act.

(5) "Hearing" means the time and place stated in a notice or the time to which an adjournment may be taken at which the board of county commissioners shall receive and hear objections or contentions of interested persons. All such objections shall be made in writing, in person or by attorney, and filed with the board of county commissioners at or before the hearing.

(6) "Initiating resolution" means a proposal by the board of county commissioners in compliance with the terms and conditions provided in section 9 of this act, and approved as such proposal by a majority of the board of county commissioners.

(7) "Notice" means the publication of the text, excluding signature, of any proposed measure, together with a summary of investigations conducted, findings made, and the date, time and place of any hearing or referendum election to be had, by printing once a week for three (3) consecutive weeks in a newspaper of general circulation in the county, if a newspaper is so circulated, or by posting of same in at least ten (10) public places within the county. First (1st) publication shall be made not less than twenty (20) days and not more than thirty (30) days prior to the time set for hearing or referendum.

(8) "Securing" means constructing, operating, maintaining, repairing, extending and enlarging.

(9) "Implementing petition" means a popular proposal under the terms and conditions provided in section 10 of this act.

(10) "Implementing referendum" means an election which may, in the discretion of the board of county commissioners, be general, primary or special. All electors in the area affected shall be entitled to participate, and a favorable vote by a majority of those voting shall constitute approval.

(11) "Petition" means a popular proposal under the terms and conditions provided in section 11 of this act.

(12) "Referendum" means an election which may, in the discretion of the board of county commissioners, be general, primary, or special. All electors in the area affected shall be entitled to participate, and a favorable vote by a majority of those voting shall constitute approval.

PART II

GENERAL POWERS

Section 2. General powers.—In addition to all other powers granted by law, the board may exercise the following powers of government for county purposes:

(1) Organization.—Organize their body for the performance of their powers, duties, authority and functions.

(2) Finances.—Budget, appropriate and expend any money available for any authorized power, duty, authority or function in the manner prescribed by law.

(3) Gifts.—Accept grants, donations, and gifts of whatever nature and expend same for any lawful county purpose.

(4) Personnel.—Employ such technical, professional, clerical and other personnel necessary for the performance of any authorized power, duty, authority or function, and establish the condition of their employment.

(5) Property.—Hold title to, buy, sell, exchange, lease, use and dispose of real and personal property or any estate therein, or any riparian, easement, or other right attached thereto as prescribed by law.

(6) Public Buildings.—Construct and maintain county buildings, courthouses, jails, detention homes, orphanages, homes for aged and infirm, or other essential government buildings in the county seat or elsewhere in the county as deemed necessary by the board.

(7) Ordinances.—Enact ordinances in a manner prescribed by this act to implement, interpret or make specific any authority, power or duty granted by law and in effect in the county. No

ordinance shall be effective without the adoption thereof in a manner provided in part V. All ordinances shall be maintained in a codified form, shall be filed with the office of the clerk of circuit court, to be appropriately indexed in a manner determined by the board and recorded by him in a regulation book kept by him for that purpose.

(8) Insurance.—Provide insurance with companies duly authorized to do business in Florida to provide payment of damages on account of bodily injury or death and on account of property damage by reason of ownership, maintenance or operation of equipment, mechanical devices or vehicles on the public highways. In consideration of the premium at which each policy shall be written, it shall be a part of the policy contract that the insurance company providing said policy shall not be entitled to the benefit of the defense of governmental immunity. Although the tort immunity of counties is recognized, such immunity of the county and the board of county commissioners is waived to the extent of liability insurance carried.

(9) Intergovernmental Contracts.—Contract with any other unit of government (county, municipality, district, state agency or constitutional office) in the manner prescribed by law for the performance, jointly or by either of them, of any authorized functions, powers, authorities or activities, or part thereof, vested in the county. Said contracts shall fully set out the terms, conditions and limitations of such agreement. Wherever practical any of the special powers contained in section 3 of this act shall be performed by contract with a municipality.

(10) Franchise.—Grant exclusive or nonexclusive franchises to private persons for the performance of any proprietary function, authority or power, or part thereof, and limit, condition, regulate or otherwise control the use and performance of such franchise. No franchise shall be granted without the authorization thereof in the manner provided in part V of this act. No franchise shall be given or entered into for a longer period than thirty (30) years and such shall be renewable at the discretion of the board. The board may require that bonds be given to the board in such amount as the board shall determine will insure performance of the activity under the franchise.

(11) Microfilming Records.—Reproduce for themselves and other elected county officers on a miniature scale, on film having an acetate base or on other material having equally durable qualities, by photographic, micro-photographic, photostatic, micro-photostatic, micro-filming or other process, any records in their official custody and to destroy such records after reproduction according to law.

Section 3. Special powers.—The special powers authorized to be exercised by a county in this section shall be made effective or retracted only by following one (1) of the procedures provided in part V of this act, except that nothing in this act shall limit or in any way restrict any power of authority already possessed by said county. Each authority performed may be financed as provided in part IV of this act. No special power shall be exercised within any municipality in whole or in part, without the consent evidenced by a resolution of the governing body of such municipality.

(1) The board may build, repair, maintain, operate, control the use of and provide the following proprietary services relating to facilities:

(a) Airports, which shall mean airport facilities of all kinds including but not limited to landing fields, hangars, shops, terminal buildings, and all other facilities necessary and desirable for the landing, taking off, operating, servicing, repairing and parking of aircraft and the unloading and handling of passengers, mail, express and freight together with all necessary appurtenances and equipment, and all property and rights relating thereto deemed necessary or convenient by the county in connection therewith and including the establishment of lounges, eating places, refreshment parlors and such other facilities as are usual in connection with airports and with the traveling public.

(b) Armory, which shall mean the armory to be used in connection and co-operation with the military authorities of the state.

(c) Beach erosion control, which shall embrace bulkheads, seawalls, groins, filling, breakwater and other acceptable or approved methods used to protect land areas fronting on bodies

of water from the erosive effects of wave, tide and current action.

(d) County fairs and fair buildings, which shall include county fair building and promotion of county fairs.

(e) Docks, wharves and harbors, which shall include seawalls, yacht basins, bridges, viaducts, tunnels, public landings, piers, jetties, breakwater and shall include the dredging and deepening of harbors, rivers, canals, waterways or any branch or portion thereof within the county and other improvements for harbors and shipping facilities.

(f) Fire protection, which shall include but not to be limited to the establishment of a county fire department, fire protection by contract with municipalities, volunteer fire departments or other appropriate means.

(g) Garbage and trash collection and disposal, which shall include any service or system providing for the collection and disposal of sewerage, ashes, garbage, trash, carcasses of dead animals, fowl, or birds and other material requiring disposal for the protection of the health, welfare and safety of the citizens of the county.

(h) Law library which shall mean an adequate central law library for the use of county officials, judges and officers of the several courts of the county.

(i) Public library, which shall mean a public library and bookmobile service.

(j) Recreational facilities, which shall include parks, playgrounds, bathing beaches, athletic fields, bathhouses, swimming pools, golf courses, auditoriums, community center, aquariums, oceanariums, marine laboratories, museums, stadiums, yacht basins, boat ramps, docks, piers and other facilities of a similar kind which are of a permanent and continuing nature.

(k) Sewage disposal system which shall mean and shall include any plant, system, facility or property used or useful or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage, and, without limiting generality of the foregoing definition, shall embrace treatment plants, pumping stations, intercepting sewers, pressure lines, mains, and all necessary appurtenances and equipment and shall include all property, rights, easements and franchises relating to any such system and deemed necessary or convenient for the operation thereof.

(l) Sidewalk, which shall mean that portion of a street between the curb lines, or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians; and sidewalk improvement shall embrace the grading, regrading, constructing, reconstructing, leveling, laying, relaying, paving, re-paving, hard surfacing and re-hard surfacing of sidewalks and may embrace curbs and gutters where deemed necessary by the board.

(m) Street, highway, parks and public property lighting, which shall include poles, wires, conduits, lights and all appurtenances necessary for lighting streets, highways, parks and public property.

(n) Water control, which may include adequate drainage and conservation systems by means of canals, ditches, drains, dikes, levees, pumping plants, weirs, or other reasonable means of draining for the purpose of conserving or preserving water resources and protecting all lands and improvements, either public or private, from the effects of excess water, making the lands available and habitable for settlement and agriculture, and for the public health, welfare, safety and benefit of the citizens of the county.

(o) Water systems, which shall mean and shall include any plant, wells, pipes, tanks, reservoirs, system, facility or property used, or useful, or having the present capacity for future use in connection with the obtaining and supplying of water for human consumption, fire protection, irrigation, consumption by business or consumption by industry, and without limiting the generality of the foregoing definition shall embrace all necessary appurtenances, and equipment and shall include all property, rights, easements and franchises relating to any such system and deemed necessary or convenient for the operation thereof.

(2) The board may do all things necessary to preserve the health, safety, welfare and convenience of the inhabitants of the county, in the furtherance of which it may regulate the following:

(a) Animals.—Have full and complete authority to pick up, catch or procure any animal roaming at large or believed to be a stray, or animal infected with rabies, or believed to be so infected, or infected with any other infectious or contagious disease, or believed to be so infected, and cause said animal to be impounded and may require inoculation and the issuance of a certificate in evidence thereof, may require dogs to wear tags and a payment of fees therefor. May establish impounding fees, per diem rates, licensing and fees while keeping such animal impounded, and said fees shall be paid by the owner of said animal before such animal is released. An animal impounded because of any infectious or contagious disease shall be examined for the purpose of determining whether such animal should be treated or destroyed. If the health and safety of the citizenry would be jeopardized by the continued existence of such infected animal, then said animal may be killed and the remains disposed of without any compensation being paid to the owner. In the event the owner of any impounded animal fails to reclaim it within five (5) days from the impounding date, such animal may be disposed of in any humane manner deemed advisable. The board may contract with non-profit organizations in order to effectuate the purpose of this power. No animal will be given or sold for experimental purposes.

(b) Cemeteries.—Regulate the location and establishment of cemeteries by requiring the filing and approval of the plat of the proposed cemeteries.

(c) Junk yards.—Regulate the location and use of lands and buildings for junk yards and related activities.

(d) Planting near highways.—Regulate the location, planting and maintenance of trees, shrubbery or other objects on parkways or upon private property adjacent to highway intersections outside the limit of incorporated municipalities in the county, which obstruct the vision of drivers or motor vehicles passing over and across such intersections.

(e) Pollution control.—Control and prevent the pollution of air and the pollution of streams, lakes, rivers, ponds, inland waters, salt waters, watercourses and other surface and underground waters in the county.

(f) Trailer camps and motor courts.—Regulate the location and use of lands and buildings used for trailer camps and motor courts and related activities.

(3) The board may exercise the following miscellaneous powers:

(a) Beautification of highways.—Beautify highways, roads and streets and conserve the natural roadside growth and scenery.

(b) Beautification of waterways.—Beautify waterways, lakes, rivers and streams, ditches, canals and clear them of obstructions, including the removal of hyacinths or other obnoxious vegetation.

(c) Advertising and promotion.—Expend such money as may be provided for the purpose of advertising and promoting county projects. "County projects" as used herein shall be construed to mean and include any project for the promotion, advertising, welfare, recreation or enhancement of good will for or toward the county.

PART III

ADVISORY COMMITTEES

Section 4. Board of county commissioners with advisory committee.—Each special proprietary facility authorized to be provided in section 3(1) of this act shall be administered by the board of county commissioners who may be assisted by advisory committees, the members of which, shall be registered electors. The board shall appoint and determine the terms, duties and responsibilities of the members. However, the board

shall not delegate any policy making authority to such committees. No salary shall be paid to the members of such committees, but, the board may provide clerical assistance and general supplies as they are needed for the operation of the committees.

PART IV

FINANCE AND TAXATION

Section 5. Finance and taxation.—It is the purpose of this act to authorize and empower the board to utilize any of the methods of raising revenue as provided in section 6 of this act for any county purpose, or financing and securing those facilities authorized in section 3(1) of this act in the manner provided in section 7 of this act. The methods of raising revenue or financing facilities shall be regarded as cumulative and supplemental to the authority now conferred by law. The provisions of this section shall not be regarded as being in derogation of powers now existing.

(1) Ad valorem tax or special assessments as provided in section 6 of this act shall be due, payable and collected as provided by law.

(2) Any holder of bonds, certificates, or any of the coupons appertaining thereto, issued under the provisions of section 7 of this act, except to the extent the rights herein given may be restricted by the resolution authorizing the issuance of such bonds, may, either at law or in equity, by suit, mandamus or other proceeding, enforce and compel the performance of such duties as were undertaken by the county or board under the provisions of part V of this act.

Section 6. Revenue sources.—

(1) Ad Valorem Tax.—The board is authorized to levy an ad valorem tax upon all property in the county in the manner and subject to the limitations prescribed by law; provided, however, no such tax shall be levied for those special powers contained in section 3(1)(c), (f), (g), (l), (m), (n), and (o) of this act.

(2) Special Assessments.—After authorization pursuant to procedures provided in part V, the board may levy a special assessment upon all property to be specially benefited subject to the provisions of paragraphs (a) and (b) of this subsection.

(a) The board shall determine the amount required in the following fiscal year, in addition to the funds then available and to become available for such purposes, to pay the expenses of securing each facility, and the amount so determined shall be assessed upon all real property in proportion to the special benefits received by such real property. In determining the amount to be levied and assessed against a parcel of land, the board shall total the cost of the public improvement and apportion such cost against the property specially benefited either on a front foot, acreage or other equitable basis without regard to the valuation of the land. Such determination of the special benefit received shall be supported by adequate factual data to the effect that the property involved has received the peculiar special benefits charge it. Such special assessments shall be levied and collected at the same time and in the same manner as ad valorem taxes and shall have the same priority rights, bear interest, be subject to the same penalties and conditions incident to ad valorem taxes.

(b) If the facilities secured by the special assessment will directly or indirectly benefit other areas or inhabitants of the county, the board may find and declare the existence of such general benefit and may provide that a percentage of the cost of the facility as determined by the board be paid by the county from available funds and that the special assessment heretofore levied will thereafter be reduced in proportion to the amount paid by the county.

(3) Service Charges.—The board may fix, charge, collect and revise from time to time service charges for services furnished by any facility authorized by section 3(1) of this act. Any such service charge shall be so fixed and revised as to provide funds sufficient at all times to pay the cost of securing the facility.

(a) The board is authorized and empowered to adopt ordinances in accordance with section 2 (7) of this act consistent with the purposes of this section, for the collection, payment and enforcement of such charges.

(b) No service charge shall be fixed or revised under this section until after compliance with one (1) of the procedures provided in part V of this act in which all of the users of the facilities provided by this act, or all people of the county or area served or to be served, shall have an opportunity to be heard concerning the proposed service charges. A copy of the schedule of such service charges as fixed or revised shall be kept on file in the office of the clerk of the circuit court and shall be a public record.

(4) Occupational Licenses.—The board may use any license taxes received pursuant to chapter 205, Florida Statutes, or any other law for any authorized county purposes.

(5) Other Tax Sources.—The board shall have the authority to utilize for county purposes any other tax sources not specifically prohibited by the constitution or the general laws of the state.

Section 7. Issuance of bonds or revenue certificates.—After authorization pursuant to any of the procedures provided in part V of this act requiring a referendum election, the board may issue bonds or revenue certificates in a manner prescribed by law for the purpose of financing the securing of any facility authorized in section 3 (1) of this act.

PART V

IMPLEMENTATION AND RETRACTION

Section 8. Application.—The purpose of part V of this act is to describe the methods by which those special functions in section 3 of this act may be implemented or retracted within the county; those certain revenue and financing procedures in part IV of this act may be authorized; and, the ordinances may be adopted or retracted, and franchises authorized:

(1) By an initiating resolution of the board, subject either to referendum election or adoption by the board following public hearing as provided in section 9 of this act.

(2) By petition of the people, subject either to referendum election or adoption by the board following public hearing as provided in section 10 of this act.

Section 9. Initiating resolution of board; enactment upon notice and public hearing or referendum.—An initiating resolution of the board shall provide for due publication of notice of either a referendum election or public hearing and shall contain, in substance, the following specifications, which are applicable: Boundaries of the area affected; a full text of the measure proposed, defining the nature and limitations of the implementation or retracting intended; the location, physical characteristics and estimated cost of any particular facility authorized, and the services to be provided; the maximum expenditure and means of financing, if any, which shall be permissible; and provision for effective date following referendum election.

An initiating resolution under this section shall become effective after an affirmative vote upon referendum or by adoption by the board of county commissioners at public hearing. Within thirty (30) days after public hearing upon an initiating resolution, the board may either approve or reject such resolution without substantive change and endorse same with a record of the proceedings.

Section 10. Implementing petition; contents, procedural requirements and adoption.—An implementing petition under this section shall be signed by qualified electors who are freeholders residing within the area affected in the following proportion: Ten per cent (10%) when subject to the adoption by the board

of county commissioners and twenty per cent (20%) when subject to an implementing referendum. An implementing petition shall contain, when applicable: boundaries of the area affected; a summary of the measure proposed, defining the nature and limitations of the implementation or retracting intended; provisions for implementing referendum election with effective date following affirmative vote, or for adoption by the board of county commissioners after public hearing.

(1) When an implementing petition is filed with the board, it shall refer the same to the supervisor of registration of the county who shall, at the earliest practicable date, examine such implementing petition and file with the board a report setting forth the total freeholder electors of the county or district, and the number thereof who have signed such implementing petition. If it appears from such report that the implementing petition complies substantially with the requirements of this section, then the board shall fix the date, place and hour for the implementing referendum or public hearing required by the implementing petition and require publication of notice thereof.

(2) An implementing petition under this section may become effective by lapse of the period specified after an affirmative vote upon implementing referendum, or by adoption by the board, which shall, within thirty (30) days after public hearing upon an implementing petition, either approve or reject such implementing petition without substantive change and endorse same with a record of the proceedings.

Section 11. Referendum.—This entire act may be repealed or sections 1 through 10 inclusively may all or individually be amended or repealed in the following manner:

(1) When the board, by resolution determines such amendment or repeal to be in the best interest of the people, they shall have the proper question submitted in a referendum to be held in the county.

(2) When twenty per cent (20%) or more electors of a county shall be certified by the supervisor of registration to have signed identical petitions requesting changes in this act, or repeal of the act, the board shall, at the next county-wide primary or general election or at a special election called prior to the next primary or general election, submit the proposed amendment or repeal of the act to the voters of the county, and such amendment or repeal of the act shall become effective immediately upon an affirmative vote of a majority of those voting in said election.

Section 12. It is declared to be the legislative intent that the powers, duties and responsibilities granted by this act shall be cumulative to, and in addition to, all powers, duties and responsibilities now granted or conferred by law, whether by general or local act, and shall not be construed to abrogate or repeal any of the same, and if any section, subsection, sentence, clause, or provision of this act is held invalid the remainder of the act shall not be affected.

Section 13. Nothing in this act shall in any way supersede, conflict with or otherwise affect the authority and integrity of any municipality in a county or the authorities and duties of any constitutional officer or other elected public official within the county.

Section 14. No provision of this act or an ordinance or regulation adopted by the board pursuant to the authority granted by this act shall supersede general or special acts or statutes of this state which apply to any county except as provided in article VIII, section 6(d) of the state Constitution.

Section 15. This act shall become effective only upon its approval by a majority of the electors voting in a referendum election to be held in a county at a regular primary or general election or at a special election to be called by the board of county commissioners of a county.

The vote was:

Yeas—14

Bafalis	Henderson	Ott	Wilson
Bell	Johnson	Reuter	Young
Boyd	Knopke	Saylor	
Ducker	Lane	Thomas	

Nays—24

Mr. President	Fincher	Horne	Scarborough
Beaufort	Friday	McClain	Shevin
Eishop	Gong	Myers	Stone
Broxson	Gunter	Plante	Weber
Chiles	Haverfield	Pope	Weissenborn
de la Parte	Hollahan	Saunders	Williams

On motion by Senator Saunders, the rules were waived and SB 584 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—34

Mr. President	Friday	McClain	Shevin
Askew	Gong	Myers	Slade
Barron	Gunter	Ott	Stone
Beaufort	Haverfield	Plante	Trask
Bell	Hollahan	Pope	Weber
Broxson	Horne	Poston	Weissenborn
Chiles	Karl	Reuter	Williams
de la Parte	Knopke	Saunders	
Fincher	Lane	Scarborough	

Nays—10

Bafalis	Ducker	Sayler	Young
Bishop	Henderson	Thomas	
Boyd	Johnson	Wilson	

On motion by Senator Saunders, SB 584 was ordered immediately certified to the House after engrossing.

Unanimous consent was granted Senator Shevin to take up out of order—

HB 235—A bill to be entitled An act relating to local government; providing procedures for the exercise of ordinance making powers by counties; providing for regular and emergency enactment procedures; providing for codification of ordinances; providing an effective date.

On motions by Senator Shevin, the rules were waived and HB 235 was read the second time by title, the third time by title, passed and certified to the House. The vote was: Yeas—37 Nays—None

Mr. President	Gong	Ott	Thomas
Barron	Haverfield	Plante	Trask
Beaufort	Henderson	Pope	Weber
Bell	Hollahan	Poston	Weissenborn
Boyd	Johnson	Reuter	Williams
Broxson	Karl	Saunders	Wilson
Chiles	Knopke	Sayler	Young
de la Parte	Lane	Scarborough	
Ducker	McClain	Shevin	
Fincher	Myers	Stone	

Senator Gunter was recorded as voting yea.

SB 390—A bill to be entitled An act relating to municipal parking facilities; amending section 183.04, Florida Statutes; removing the limit on interest rate and interest cost on revenue bonds issued; providing an effective date.

Was taken up and read the second time by title.

Senator Thomas offered the following amendment which was adopted:

In Section 1, line 27, page 2, strike "five" and insert the following: six and one half

Senator Thomas also offered the following amendment which was adopted:

In Section 1, line 24, page 2, strike: "[,].[]" and insert the following: ,

Senator Thomas also offered the following amendment which was adopted:

In Section 1, line 23, page 1, strike all of line 23 and insert the following: at a rate or rates not exceeding six and one half per centum per annum.

Senator Thomas also offered the following amendment which was adopted:

In Section 1, line 1, page 3, strike: "]"

Senator Thomas also offered the following amendment which was adopted:

In line 6, strike "removing" and insert the following: setting

On motion by Senator Haverfield, the rules were waived and SB 390 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—33

Mr. President	Fincher	Knopke	Thomas
Bafalis	Friday	Lane	Trask
Beaufort	Gong	Myers	Weber
Bell	Gunter	Ott	Weissenborn
Bishop	Haverfield	Plante	Williams
Boyd	Henderson	Poston	Wilson
Chiles	Hollahan	Reuter	
de la Parte	Horne	Shevin	
Ducker	Karl	Stone	

Nays—4

Pope	Sayler	Scarborough	Young
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SECOND READING

SB 530—A bill to be entitled An act relating to sale of securities, exempt transactions; amending section 517.06(6), Florida Statutes; providing for issue, transfer, or exchange of securities from one corporation to another or to security holders in connection with mergers, consolidations, or sale of corporate assets.

Was taken up and read the second time by title.

The Committee on Commerce and Licensed Businesses offered the following amendment which was adopted on motion by Senator Thomas:

Add the following: Section 2. This act shall take effect upon becoming a law.

The Committee on Commerce and Licensed Businesses also offered the following amendment which was adopted on motion by Senator Thomas:

At the end of the title strike the period and insert the following: ; and providing an effective date.

On motion by Senator Thomas, the rules were waived and SB 530 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—32 Nays—None

Mr. President	Friday	Myers	Stone
Beaufort	Gong	Ott	Thomas
Bishop	Gunter	Plante	Trask
Boyd	Haverfield	Poston	Weber
Chiles	Horne	Sayler	Weissenborn
de la Parte	Karl	Scarborough	Williams
Ducker	Knopke	Shevin	Wilson
Fincher	Lane	Slade	Young

SB 531—A bill to be entitled An act relating to the sale of securities, exempt transactions; amending section 517.06, Florida Statutes, by adding subsections (17) and (18); providing for sale of securities by an employer to an employee subject to certain conditions.

Was taken up and read the second time by title.

The Committee on Commerce and Licensed Businesses offered the following amendment which was adopted on motion by Senator Thomas:

Add the following: Section 2. This act shall take effect upon becoming a law.

The Committee on Commerce and Licensed Businesses also offered the following amendment which was adopted on motion by Senator Thomas:

Strike period at end of title and insert the following: ; providing an effective date.

On motion by Senator Thomas, the rules were waived and SB 531 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—39 Nays—None

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

SB 459—A bill to be entitled An act relating to banks and banking; amending subsection (1) of section 659.16, Florida Statutes; requiring every bank to maintain a cash reserve and designating the form in which the same shall be maintained; and providing an effective date.

Was taken up and read the second time by title. On motion by Senator Thomas, the rules were waived and SB 459 was read the third time by title, passed and certified to the House. The vote was: Yeas—38 Nays—None

Mr. President	Ducker	Lane	Shevin
Bafalis	Fincher	McClain	Slade
Barron	Friday	Myers	Stone
Beaufort	Gong	Ott	Thomas
Bell	Gunter	Plante	Weber
Bishop	Henderson	Pope	Williams
Boyd	Horne	Poston	Wilson
Broxson	Johnson	Reuter	
Chiles	Karl	Sayler	
de la Parte	Knopke	Scarborough	

SB 267—A bill to be entitled An act relating to alcoholic beverages; amending section 561.091, F. S.; providing that manufacturers, distillers, etc. who sell or transport spirituous liquors into the state shall qualify to do business under chapter 613, F. S.; prohibiting wholesalers to purchase from those who do not comply; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Henderson, the rules were waived and SB 267 was read the third time by title, passed and certified to the House. The vote was: Yeas—38 Nays—None

Mr. President	Fincher	McClain	Slade
Bafalis	Friday	Myers	Stone
Barron	Gong	Ott	Thomas
Beaufort	Gunter	Plante	Trask
Bell	Haverfield	Pope	Weber
Bishop	Henderson	Poston	Weissenborn
Boyd	Johnson	Saunders	Wilson
Broxson	Karl	Sayler	Young
de la Parte	Knopke	Scarborough	
Ducker	Lane	Shevin	

SB 268—A bill to be entitled An act relating to alcoholic beverage licenses; protecting a mortgagee's or other lienholder's interest in a spirituous alcoholic beverage license; providing that a bona fide mortgage or other lien on any such license shall survive a revocation or suspension; provides procedures; provides severability clause; providing an effective date.

Was taken up and read the second time by title.

The Committee on Commerce and Licensed Businesses offered the following amendment which was moved by Senator Henderson:

In Section 1, line 16, page 1, strike "person" and insert the following: any purchase money mortgagee or lender licensed by the state of Florida

Senator Henderson offered the following substitute amendment which was adopted:

In Section 1, line 16, page 1, strike "person" and insert the following: lender licensed by the State of Florida

Senator Pope presiding.

Senator Friday offered the following amendment which was adopted:

In line 28, page 1, after "qualified" insert the following: and authorized by the Beverage Department of the State of Florida

Senator Horne presiding.

On motion by Senator Henderson, the rules were waived and SB 268 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—32

Mr. President	Henderson	Ott	Shevin
Bafalis	Hollahan	Plante	Slade
Barron	Horne	Pope	Stone
Beaufort	Johnson	Poston	Thomas
Bell	Karl	Reuter	Trask
Fincher	Knopke	Saunders	Weber
Friday	Lane	Sayler	Weissenborn
Haverfield	Myers	Scarborough	Young

Nays—6

Bishop	Broxson	Ducker	Wilson
Boyd	Chiles		

SB 4—A bill to be entitled An act relating to municipalities and counties, future development; empowering the governing authorities of the several incorporated municipalities and counties of the state, individually or jointly, to plan for future development, to adopt, amend or revise comprehensive plans to guide future development, implementing such comprehensive plans to authorize incorporated municipalities and counties, individually or jointly, to enact and enforce zoning and subdivision regulations and to adopt and enforce building, plumbing, electrical, gas, fire, safety, and sanitary codes; stating the purpose and intent of the act; defining certain terms used in the act; setting out the areas and jurisdictions which may qualify to use the provisions of the act; providing for the establishment, composition, terms of office, officers, powers and duties, procedures and maintenance of planning commissions and their staffs; setting out the method of adoption and the legal status of a comprehensive plan; providing for review and amendment of a comprehensive plan; setting out the scope of regulatory authority through zoning as a means of comprehensive plan implementation; setting procedures for the establishment of zoning districts; providing for the method of amendment of a zoning ordinance; providing for the establishment, composition, terms of office, officers, powers and duties, procedures and maintenance of boards of adjustment and their staffs; providing for review by the courts of decisions of boards of adjustment; setting out the scope of regulatory authority to adopt and enforce regulations for land subdivision as a means of comprehensive plan implementation; authorizing the adoption of subdivision regulations; providing procedures for approval of subdivision plans and plats; providing penalties for transfer of lots in unapproved subdivisions; authorizing the reversion of subdivided land to acreage and setting procedures therefor; authorizing the adoption and enforcement of building, plumbing, electrical, gas, fire, safety, and sanitary codes and authorizing the adoption of such codes by reference as a means of comprehensive plan implementation; providing that this act is to be liberally construed to accomplish its stated purposes; providing that an incorporated municipality or county, jointly or individually, must take formal action to proceed under this act before utilizing the authority conferred by this act; providing that regulations and codes adopted by an incorporated municipality or county under previous legislative authority shall remain in effect until superseded by regulations and codes adopted under authority of this act; providing an effective date.

Was taken up and read the second time by title.

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

In Section 3(7), line 20, page 7, strike the entire sub-section (7) and insert the following: (7) "Subdivision" means the division of a parcel of land, whether improved or unimproved, into three (3) or more contiguous lots or parcels of land, designated by reference to the number or symbol of the lot or parcel contained in the plat of such subdivision, for the purpose, whether immediate or future, of transfer of ownership or, if the establishment of a new street is involved, any division of such parcel; provided, however, that the division of land into parcels of more than five (5) acres not involving any change in street lines or public easements of whatsoever kind is not to be deemed a subdivision within the meaning of this act. The term includes a resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land subdivided.

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

In Section 20(1), line 21, page 30, after the word "continues" insert the following: after written notice

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

In Section 23(2)(e), line 26, pages 35 and 36, strike the entire sub-paragraph (e) and insert the following: (e) That the developer may install required improvements in accordance with subdivision regulations prior to final subdivision approval. As an alternative, such regulations may provide that a surety bond executed by a company authorized to do business in the state that is satisfactory to the governing body payable to such governing body in sufficient amount to assure the completion of all required improvements and providing for and securing to the public the actual construction and installation of such improvements within a period required by the commission and expressed in the bond. As a further alternative to the provisions of a surety bond such regulations may provide, in lieu of such surety bond, for a deposit of cash in an escrow account or such other collateral as the governing body may deem reasonable and proper whereby the governing body is put in a position to provide reasonable assurances for completion of the required improvements. In any event, the commission is hereby granted the power to enforce such bonds, security deposit or other collateral agreements by appropriate legal proceedings.

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

In Section 24, lines 25 and 29, page 36, strike "or map"

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

In Section 24, lines 4 through 8, page 37, strike "The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties."

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

In Section 24, line 14, page 37, after "shall" insert the following: , within one year from the date of purchase thereof,

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

In Section 25, line 22, page 37, strike "a" after the word "for"

The Committee on Commerce and Licensed Businesses also offered the following amendment which was adopted on motion by Senator Mathews:

In Section 26, line 21, page 40, strike the period and insert the following: or is a private street dedicated for the use of certain lots or parcels but not accepted for maintenance by the governing body or available for use by the public.

The Committee on Commerce and Licensed Businesses also offered the following amendment which was adopted on motion by Senator Mathews:

In Section 5, line 24, page 10, at the end of line 24 following the words "pointed for staggered terms of such length as may" add be

The Committee on Commerce and Licensed Businesses also offered the following amendment which was adopted on motion by Senator Mathews:

In Section 14, line 18, page 27, strike "of" and insert or

On motion by Senator Mathews, the rules were waived and SB 4 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—33

Mr. President	Fincher	Lane	Shevin
Askew	Gong	Myers	Slade
Barron	Gunter	Ott	Trask
Beaufort	Haverfield	Plante	Weber
Bell	Henderson	Pope	Weissenborn
Broxson	Hollahan	Poston	Williams
Chiles	Horne	Reuter	
de la Parte	Karl	Saunders	
Ducker	Knopke	Scarborough	

Nays—9

Bafalis	Boyd	Thomas	Young
Barrow	Johnson	Wilson	
Bishop	Sayler		

Senator Pope presiding.

SB 277—A bill to be entitled An act relating to the pre-qualification of contractors desiring to bid upon state road department contracts, amending subsection (1) of section 337.14, Florida statutes; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Henderson, the rules were waived and SB 277 was read the third time by title.

On motion by Senator Henderson, further consideration of SB 277 was deferred.

On motion by Senator Barron, the rules were waived and the Joint Committee studying the Florida Insurance Rating Laws was given permission to meet at 6 p.m. Wednesday, May 14, in Room 8, for the purpose of considering a report to be made to the Legislature.

SB 288—A bill to be entitled An act relating to regulation of traffic on highways; amending section 317.902 (3), Florida Statutes, to provide that certain vehicles may display amber lights; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Ducker, the rules were waived and SB 288 was read the third time by title, passed and certified to the House. The vote was: Yeas—37 Nays—None

Askew	Fincher	Lane	Slade
Barron	Gong	McClain	Stone
Barrow	Gunter	Ott	Thomas
Beaufort	Haverfield	Plante	Weber
Bell	Henderson	Pope	Weissenborn
Boyd	Hollahan	Reuter	Williams
Broxson	Horne	Saunders	Wilson
Chiles	Johnson	Sayler	
de la Parte	Karl	Scarborough	
Ducker	Knopke	Shevin	

Senator Myers was recorded as voting yea.

SB 548—A bill to be entitled An act relating to the state road department and the internal organization thereof; providing an effective date.

Was taken up and read the second time by title.

The Committee on Transportation offered the following amendment which was moved by Senator Beaufort:

In Section 4, lines 2 and 3, page 3, strike "The salaries of all such attorneys shall be fixed by the board."

On motion by Senator Beaufort, further consideration of SB 548, with pending amendment was deferred, the bill retaining its place on the calendar.

SB 550—A bill to be entitled An act relating to public hearings on designation of roads on the state highway system, amending subsection (1) of section 335.02, Florida statutes; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Beaufort, the rules were waived and SB 550 was read the third time by title, passed and certified to the House. The vote was:

Yeas—26

Mr. President	de la Parte	Knopke	Scarborough
Askew	Ducker	Lane	Slade
Bafalis	Gunter	McClain	Thomas
Barrow	Haverfield	Ott	Weber
Beaufort	Henderson	Plante	Williams
Bell	Hollahan	Pope	
Broxson	Horne	Saunders	

Nays—3

Boyd	Gong	Wilson
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SB 666 was taken up and on motion by Senator Hollahan—

HB 325—A bill to be entitled An act relating to regulation of traffic on highways; amending subsection (1) of section 317.131, Florida Statutes; providing that a driver of a vehicle involved in certain accidents need not forward a report of the accident if the investigating officer has done so; providing an effective date.

—a companion measure was substituted therefor and read the second time by title.

On motion by Senator Hollahan, the rules were waived and HB 325 was read the third time by title, passed and certified to the House. The vote was: Yeas—27 Nays—None

Askew	Gong	McClain	Shevin
Bafalis	Haverfield	Ott	Thomas
Bell	Henderson	Plante	Trask
Boyd	Hollahan	Pope	Weber
Broxson	Horne	Reuter	Williams
de la Parte	Knopke	Saunders	Wilson
Ducker	Lane	Scarborough	

SB 666 was laid on the table.

SB 251—A bill to be entitled An act relating to condominiums and cooperative apartments; providing that managers of the same shall not be subject to the real estate licensing law; providing conditions; amending subsection 509.24(5), F. S., to conform; providing an effective date.

Was taken up and read the second time by title.

The Committee on Judiciary offered the following amendment which was adopted on motion by Senator Henderson:

In Section 2, line 26, page 1, strike entire Section 2 and renumber remaining section.

The Committee on Judiciary also offered the following amendment which was adopted on motion by Senator Henderson:

In title, line 8, page 1, after "conditions;" strike "amending subsection 509.24(5), F.S., to conform;"

On motion by Senator Henderson, the rules were waived and SB 251 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—34 Nays—None

Mr. President	Boyd	Gong	Johnson
Askew	Broxson	Gunter	Knopke
Barron	de la Parte	Haverfield	Lane
Barrow	Ducker	Henderson	McClain
Beaufort	Fincher	Hollahan	Ott
Bell	Friday	Horne	Plante

Pope	Scarborough	Thomas	Wilson
Reuter	Shevin	Trask	
Saunders	Stone	Weber	

SB 322—A bill to be entitled An act amending section 440.30, Florida statutes, relating to the workmen's compensation law; providing an effective date.

Was taken up and read the second time by title.

The Committee on Judiciary offered the following amendment which was moved by Senator Horne and failed:

In Section 1, line 14, page 1, strike "or without"

On motion by Senator Lane, the rules were waived and SB 322 was read the third time by title, passed and certified to the House. The vote was: Yeas—34 Nays—None

Askew	Fincher	Knopke	Stone
Bafalis	Friday	Lane	Thomas
Barrow	Gong	McClain	Trask
Beaufort	Gunter	Ott	Weber
Bell	Haverfield	Plante	Weissenborn
Boyd	Henderson	Pope	Wilson
Broxson	Hollahan	Reuter	Young
de la Parte	Horne	Saunders	
Ducker	Johnson	Shevin	

The President presiding.

SB 346—A bill to be entitled An act relating to the issuance of worthless checks to county tax collectors for occupational licenses, beverage licenses, sales taxes, penalties or fees; providing for the attempted collection and prosecution of same; providing for certification of uncollectable checks and court costs by county tax collector; providing for refund by state comptroller, state beverage department, state revenue commission of amount of uncollectable checks and court costs to county collector; providing for legislative intent; providing a severability section; and providing an effective date.

Was taken up and read the second time by title. On motion by Senator Hollahan, the rules were waived and SB 346 was read the third time by title, passed and certified to the House.

The vote was: Yeas—38 Nays—None

Mr. President	Ducker	Knopke	Shevin
Askew	Fincher	Lane	Stone
Bafalis	Friday	McClain	Thomas
Barron	Gong	Ott	Trask
Barrow	Gunter	Plante	Weber
Beaufort	Haverfield	Pope	Weissenborn
Bell	Henderson	Reuter	Wilson
Boyd	Hollahan	Saunders	Young
Broxson	Horne	Sayler	
de la Parte	Johnson	Scarborough	

SB 348—A bill to be entitled An act relating to instruments by which title to real estate or any interest therein or lien thereon is conveyed, vested, encumbered, assigned or otherwise disposed of; amending section 695.24, Florida Statutes, by adding a new subsection to be numbered (3) and (4) to provide that such instruments recorded without containing information required by 695.24 shall be record notice; validating instruments heretofore recorded.

Was taken up and read the second time by title.

The Committee on Judiciary offered the following amendment which was adopted on motion by Senator Hollahan:

In Title, line 14, page 1, strike the period and insert the following: ; providing an effective date.

On motion by Senator Hollahan, the rules were waived and SB 348 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—30 Nays—None

Mr. President	Ducker	Knopke	Shevin
Bafalis	Friday	Lane	Stone
Barrow	Gunter	McClain	Thomas
Beaufort	Haverfield	Ott	Trask
Bell	Henderson	Plante	Weber
Boyd	Hollahan	Pope	Wilson
Broxson	Horne	Reuter	
de la Parte	Johnson	Sayler	

Senator Young was recorded as voting yea.

On motion by Senator Barrow, the rules were waived and the Senate reverted to the order of—

MOTIONS RELATING TO COMMITTEE REFERENCES

On motion by Senator Barrow, the rules were waived and the Committee on Commerce and Licensed Businesses was granted an additional 6 legislative days for the consideration of Senate Bills 272, 275, 283, 384, 796, 793 and 511.

On motion by Senator Hollahan, by two-thirds vote, SB 478 was withdrawn from the Committee on Governmental Organization and placed on the Calendar.

On motions by Senator Stone, by two-thirds vote, SJR 967 was withdrawn from the Committee on Constitutional Amendments and Revision and from the Senate.

On motion by Senator Askew, the rules were waived and the Committee on Constitutional Amendments and Revision was granted an additional 7 legislative days for the consideration of Senate Joint Resolutions 301, 369, 792, 797, 841, 845, 540 and 1004.

A motion by Senator Friday was adopted that SB 507 be removed from the Calendar and re-referred to an appropriate Committee. The bill was referred to the Committee on Natural Resources and Conservation.

On motion by Senator Thomas, the rules were waived and the Committee on Agriculture was granted an additional 4 legislative days for the consideration of Senate Bills 114, 124 and 795.

On motion by Senator Chiles, Rule 3.12 was waived and permission was granted Senators Chiles, Boyd, de la Parte, Gunter and Myers to introduce the general appropriations bill.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 4:01 p.m. to reconvene at 10:00 a.m., May 13, 1969.

LOBBYIST REGISTRATIONS UNDER SENATE RULE NINE
MAY 5 THROUGH MAY 9

<i>Name and Address</i>	<i>Entity Represented and Address</i>	<i>Duration of Representation</i>	<i>Particular Legislation Involved</i>	<i>Direct Business Association or Partnership with Legislator</i>
Anderson, Lela G. 114 E. Adams Jacksonville 32202	Consolidated Jacksonville Property Owners Association same address	Session	Real property and related interests	None
Banks, Wilmer C. P. O. Box 15423 Sarasota 33579	Sarasota County Teachers Assn. same address	Session	Education	None
Bell, Lucian E. 1827 First Ave. South St. Petersburg 33712	Painters, Decorators & Paper- hangers of America same address	Continuous	Labor apprenticeship program	None
Bolden, Glenn A. 1413 West 23 Street Jacksonville 32209	Dr. Ricardo A. Quesada, permanent representative, permanent mission of Cuba to the U. S. 6 East 67th Street New York, N.Y. 10021	Session	Law enforcement & crime prevention	None
Brauer, Robert R. 761 9th Ave., North St. Petersburg 33701	State Board of Cosmetology 2177 S.W. 23rd St. Miami 33145	Session	Senate Bill 482, companion to House Bill 675	None
Brown, Sara T. 725 S. Bronough St. Tallahassee 32304		Session	House Bills 960, 1214, 806	None
Chapman, Gladys A. 1616 DeWitt Panama City 32401	Supervisor of Elections Panama City Florida Assn. of Medical Laboratories c/o Monaco Medical Lab. DeLand 32720	Continuous	Elections and various others	None
Clayton, Ralph R. 209 Conrad Bldg. DeLand 32720	Fla. Peace Officers Assn. P. O. Box 86 St. Augustine 32084	Continuous	Fla. Assn. of Medical Laboratories	None
Coleman, H. L. Police Dept. Tallahassee 32301	Joint Council No. 1 Intl. Chemical Workers Union P. O. Box 556, Mulberry	Continuous	Florida Peace Officers Assn.	None
Crane, Fred E. P. O. Box 856 Mulberry 33860	Local No. 34 Intl. Chemical Workers Union P. O. Box 856, Mulberry	Continuous	Labor bills	None
Dick, Jackie B. P. O. Box 642 Ft. Pierce 33450	Cosmetology Assn. 722 S. Bronough Tallahassee 32304	Continuous	Labor bills	None
Ellis, Donald G. 857 St. Johns Bluff Rd. Jacksonville 32211	I.A.F.F. Local 1834 same address	Continuous	Cosmetology	None
Goldin, Selig I. P. O. Box 1113 Gainesville 32601	Florida State Board of Architecture P. O. Box 2185 Ormond Beach	Continuous	Collective bargaining	None
Julian, Mrs. Ned N. 218 Forrest Ave. Sanford 32771	Personal, Education same address	Session	Architecture	None
McClure, J. Robert 134 W. Pensacola Tallahassee 32301	Haskins & Sells A. I. duPont Bldg. Miami	Session	Education	None
McMullen, Edmund J. 2007 21st Street Tampa 33605	HavaTampa Cigar Corp. same address	Session	Accounting	None
Melton, Alice B., Mrs. 526 W. Pensacola St. Tallahassee 32301	Cosmetology same address	Continuous	Senate Bill 763	None
Myers, Jane O., Mrs. 2770 Park St. Jacksonville 32205	Consolidated Jacksonville Property Owners Assn. 114 Adams St. Jacksonville	Continuous	Cosmetology	None
Nelson, Margaret C. 340 N.W. 206 Terrace Miami 33169	League of Women Voters of Fla. 1194 62nd Avenue South St. Petersburg 33705	Session	Real estate and related interests	None
		Week	All	None

LOBBYIST REGISTRATIONS UNDER SENATE RULE NINE
MAY 5 THROUGH MAY 9 (Continued)

<i>Name and Address</i>	<i>Entity Represented and Address</i>	<i>Duration of Representation</i>	<i>Particular Legislation Involved</i>	<i>Direct Business Association or Partnership with Legislator</i>
Piazza, Elizabeth H. 1910 N. Orlando Ave. Maitland 32751	Citizens for Moral Education same address	Continuous	Education	None
Pitman, Alyne M., Mrs. P. O. Box 177 Marianna	Supervisors of Election same address	Session	Election laws	None
Reynolds, Jane D. Dade County Bd. of Public Instruction Miami	Dade County Education Assn. 1950 S.W. 19 St. Miami Fla. School Food Service Assn.	Session	Education	None
Robson, Ruth Ann Florida State Univ. Tallahassee 32306	Monroe St. Tallahassee	Session		None
Steinberg, Paul B. 350 Lincoln Rd. Miami Beach 33139	Miami Beach Taxpayers Assn. and Dade County Educ. Assn. same address	Session	Taxpayer and school legislation	None
Strickland, Charles W. 857 St. Johns Bluff Rd. Jacksonville 32211	I.A.F.F. Local 1834 same address	Continuous	Collective bargaining	None
Tucker, John A. No. 1 Riverside Ave. Jacksonville 33201	Fla. Press Assn. same address	Session	Newspaper industry	None
Warren, Franklin N. 346 N. Ridgewood Ave. Daytona Beach 32014	Fla. Fire Equipment Dealers Assn. P. O. Box 263 Daytona Beach 32015	Continuous	Amendments to Chapter 633	None
Watts, Barbara H., Mrs. P. O. Box 1148 Lake City 32055	Florida School Food Service Assn. Monroe St. Tallahassee	Session	School food service	None
Williams, Rev. Fred A. South-Eastern Bible College 1000 Longfellow Blvd. Lakeland 33801	South-Eastern Bible College & other Bible Colleges in Fla. same address	Continuous	Higher education & religion schools	None
Young, Charles R. 400 Drew St. Clearwater 33515	Peace Memorial Homes, Inc. same address		Homes for the aging (church)	None