

JOURNAL OF THE FLORIDA SENATE

Friday, March 31, 1972

The Senate was called to order by the President at 9:00 a.m.
A quorum present—48:

Mr. President	Daniel	Johnson (29th)	Poston
Arnold	Deeb	Johnson (34th)	Reuter
Barron	de la Parte	Karl	Saunders
Barrow	Ducker	Knopke	Saylor
Beaufort	Fincher	Lane	Scarborough
Bell	Gong	Lewis (33rd)	Stolzenburg
Bishop	Graham	Lewis (43rd)	Trask
Boyd	Gunter	McClain	Ware
Peterson	Haverfield	Myers	Weber
Brantley	Henderson	Ott	Weissenborn
Broxson	Hollahan	Plante	Williams
Childers	Horne	Pope	Wilson

Prayer by Senator Deeb:

Let us pause this morning—not as people of government, but as children of God.

This day begins a most holy time of the year—a time of solemnity and a time of hope. For Christians, Good Friday, the solemn observance of the death of Jesus and the beautiful hope of his resurrection for our salvation Easter morn . . . for Jews, the passover, the solemn observance of the flight from bondage and the hope of finding the land of promise.

Lord, prepare us for this holy season to accept our sufferings and hardships for thee—and share thy joy with thee. Amen.

The Journal of March 30 was corrected and approved.

REPORT OF COMMITTEE

The Committee on Rules, Calendar, Privileged Business and Ethics respectfully submits the following Special Order Calendar for Friday, March 31, 1972:

HB 3910	CS for HB 1611	HB 2759
HB 3274	HB 702	HB 3352
HB 3918	HB 3937	HB 3519
HB 4323	HJR 4324	HB 3038
CS for HB 3801	HB 3461	CS for HB 3141
HB 3202	HB 3482	HB 4378
HB 3981	HB 3485	HB 2973
CS for HB 2875	CS for HB 4030	HB 4319
CS for HB 2976	CS for HB 3152	HB 3775
HB 3774	HB 3267	HB 3124
HB 3776	CS for HB 4060	CS for HB 2983
HB 3777	CS for HB 547	SB 1163
HB 3304	HB 946	CS for HB 1277
HB 3303	HB 3756	CS for HB 3432

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—

CSSJR 292 with 1 amendment	SB 476 with 2 amendments
SB 300 with 5 amendments	SB 490 with 1 amendment
SB 440 with 2 amendments	SB 1284 with 4 amendments

—reports that the House amendments have been incorporated and the bills are returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

The bills were ordered enrolled.

Your Engrossing Clerk to whom was referred SB 936 with 2 Conference Committee amendments reports that the Conference Committee amendments have been incorporated and the bill is returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

The bill was ordered enrolled.

Your Engrossing Clerk to whom was referred SB 532 with 2 amendments reports that the Senate amendments have been incorporated and the bill is returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

Your Engrossing Clerk to whom was referred SB 365 with 2 amendments reports that the Senate amendments have been incorporated and the bill is returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

The bills contained in the foregoing reports were certified to the House.

ENROLLING REPORT

Your Enrolling Clerk to whom was referred SB 1009 reports same has been enrolled, signed by the required Constitutional officers and presented to the Governor on March 31, 1972.

ELMER O. FRIDAY
Secretary of the Senate

On motion by Senator Hollahan, the following remarks which were made following the adoption of HCR 4419, in memory of Richard O. Mitchell, on March 30 were ordered spread upon the Journal:

Senator Horne: Mr. President and Senators, it's difficult, really, to talk about a close member of your own delegation. When speaking of the association, particularly if it was as fond as ours was and as bright to both of us, words become rather shallow. I first met Dick when he was the leading man in "Arsenic and Old Lace" at FSU, and I was in the same play in one of the lesser roles. I began to admire and like him intensely then. The most remarkable thing about Dick, in my memory, is that we ran one of the toughest campaigns I have ever been in—against each other, and by a scant few hundred votes the fell clutch of circumstances gave me the race. The very next day Dick, who had a great deal more expertise than I about the legislative process, having worked in and around it, came to me and offered his assistance during that session. And in the next session he joined me in the House as my colleague and for 8 beautiful years we sat side by side, never having a big difference of opinion, never a quarrel, never having to wonder what the other was doing, and it was just a simple, beautiful friendship. He was really a friend in all regards and I guess his closest friend in the legislature was Senator Hollahan—a friendship that started while they attended law school together. But the greatest remark I could say, and as Legislators you understand this as few others would, is that he really was a 'legislator's legislator'. He loved the process . . . the fact is, he loved it too much. It almost became his financial undoing. A task to him, whether it was committee assignment or whatever, became such an overriding commitment in his life that everything else he would turn aside except his wife and family, whom he cherished more than anything else in this world. And I am remorseful over his loss. He was a great colleague, a tremendous representative of Leon County, and a great servant of this State.

Senator Hollahan: Mr. President and Senators, as the Senator from the 5th has told you, Dick Mitchell and I had a precious friendship together. I never can forget the occasion in 1957, in the House of Representatives, we were serving together . . . the press was allowed, in those days, to sit along side us, and Dick Mitchell apparently got a note from the box where the visitors sat. He brought it over to me after reading it. The note said: "You know, I have been sitting here for 3 days, Dick. I just can't understand, knowing the friendship you have with George Hollahan, how each of you can vote just the opposite on every issue that I have observed all three days." Dick showed me the note and penned a prompt reply from my desk . . . which reply was "Well, John McDermott of the Miami Herald pushes Hollahan's button and he is not as smart as either of us." But in any event, I guess the only phrase to me that really describes Dick Mitchell would be true grit. I never knew a man of more raw courage in fighting the malady that finally brought him down, in fighting the political battles he had to fight, and attending to his responsibilities. Both words together explain him, and they also explain him separ-

ately because he was true to his family, true to his friendships, true to his ideals, true to his legislative responsibilities. I have lost a precious friend, the State of Florida has lost a precious public man.

Senator Boyd: Mr. President and Senators, when I first came to these legislative halls, the first man who came to me and offered his help to the freshman I was, was Dick Mitchell. And throughout those early years in the House he continued to give his help and guidance. And in those days, believe me, there was never a freshman who needed help any more than I. I think the real remarkable thing about the man we honor here today was his real undying effort for the legislature and how much he loved it. He loved his family, he was a true friend of mine, and I join with all the Senators here today in expressing my sympathy to Frances and family.

Senator Daniel: Mr. President, I am sure whatever I say won't be very articulate. I classed Dick Mitchell as one of my closest, if not my closest, friend. You can tell when mossbacks like Senator Horne and Senator Hollahan and Senator Boyd get up to talk about what a friend and help he was to them, that he indeed was dedicated to public service. We all started in the House at about the same time. I recall Dick and I came there as freshmen in 1957. Somewhere along the line, for 2 or 3 sessions, we became desk mates . . . sat next to each other. And then when the House revamped its office arrangement and we had offices, we shared that. So I came to know him very closely and to love him very dearly. He was dedicated to government, as the Senator from the 5th said, almost to the point of ruination. I have never seen a man more intense in his dedication and yet, intense as he was, he could take defeat on an issue on the floor, he could take a defeat in politics, he could take a defeat in life itself . . . and never lose his courage. I recall not long before his demise that he called me one day at my home and said he had always wanted to play Arnold Palmer's golf course. I think he and his wife were on their way down to see Senator Hollahan at the time, and they stopped and spent the night with my wife and me. I made arrangements for us to play at Palmer's course. (We each played in our usual lousy fashion. The course has 113 sand traps and we were in each one at least once.) But he enjoyed it very much and I did too. And this was just a few short weeks before the end finally came. And he knew this. But you couldn't tell it because the courage he possessed was deeper than you and I might possess simply facing an examination tomorrow. I have never known a man, and I don't think I will ever know a man, more dedicated to life itself, to public service and to his family.

Senator Arnold: Mr. President and Senators, in my years in the legislature I have never eulogized any man in the legislature. I have had two very close friends this particular session—Representative Howell Lancaster and Representative Dick Mitchell. During the Navy years I ended up in Okinawa and I jumped from island to island . . . I think a lot of us in conflict have seen many things that we just felt like we did in the Navy, we would hoist, roger four and five . . . good luck and Godspeed. A few weeks before the final bell for Dick, he was over in Jacksonville and we played golf at Fort George . . . about the twelfth hole I said, "Dick, I hate to do this, but I have to go back home, I have a very important appointment." He said, "Well, Lynwood, I'm not supposed to have gone this far, but I appreciate your playing golf with me." I said, "God knows I appreciate playing golf with you." As we rode back we talked of many things. He told me of his condition and he said one great thing in this life that had happened as a result of this, and he said—I say this to Big Shorty, which he called his wife—"God knows I owe her a lot." And this legislature owed Dick Mitchell a lot. He was a great man and friend.

Mr. President: Let me make one brief remark, if I might. Dick Mitchell, for some strange reason, was not someone you could get mad at. I tried because he was very effective in the House. If I had a bill he didn't agree with, he knew how to take care of it. Being a new member I'd think to myself, I really ought to be mad at the guy. But there was no way to do it because he was always smiling, he was always happy and he was always helpful. I recall a dinner given in behalf of the distinguished Senator from the 44th. And I, like so many of us in public office and running a business, adjusted my schedule—with all the time it takes to make the great sacrifice to go down to Miami to be with one of your distinguished colleagues and close friends. I thought, you know, I'm doing it for Senator Hollahan because he is a good friend and I want to be there. I moved meetings around and thought

to myself, you know, this is what you do for a friend and what a great sacrifice to go all the way from Riviera Beach to Miami. That evening, Dick Mitchell was there. I commented to Senator Hollahan about what a fine tribute and what a rare reflection on that thing we call friendship. For Dick Mitchell, in his final hours, to make that trip all the way from our Capitol to Miami for a friend. You know, so many times we think we have friends but if we would take but a moment to pause and examine that prospect, you'd find there aren't too many real friends. Because a real friend is a guy who makes that extra step just as he did for the Senator from the 44th. A real sacrifice. Complete disregard for whatever personal pain he might suffer. But that was the Dick Mitchell I remember and I know it's the Dick Mitchell all of us remember who were privileged to serve with him. He was a man. He loved his family. He maintained a constant sense of good humor and he never failed to extend a helping hand to his fellow man. Let each of us stand at this time and indicate our vote of approval on this resolution.

Let me present to the Senate and I know you will want to greet them when they leave the Chamber. First of all, Frances Mitchell and Mrs. Murray Dubbin, her friend, Mrs. Richard O. Mitchell, Jr. and Mrs. Joe Hosford, a friend. Nice to have you with us.

Senator Hollahan announced that at 11:45 a.m. the Senate would proceed to the consideration of bills on the local calendar.

On motion by Senator Karl, by two-thirds vote CS for HB 3117 was removed from the general calendar and placed on the special order calendar.

On motion by Senator Bishop, by two-thirds vote SB 885 was removed from the general calendar and placed on the special order calendar.

On motion by Senator Weber, HB 3269 was withdrawn from the Committee on Health, Welfare and Institutions by two-thirds vote and placed on the local calendar.

MESSAGES FROM THE GOVERNOR

The Governor advised that he had filed in the office of the Secretary of State Senate Bills 144, 220, 311, 491, 653, 789 and 1286 which he had approved on March 30, 1972.

The Governor advised that he had filed in the office of the Secretary of State CS for SB 650 which will become law without his signature.

VETOED BILL 1972 REGULAR SESSION

The following message from the Governor was read:

Honorable Jerry Thomas
President of the Senate
The Capitol
Tallahassee, Florida

March 30, 1972

Dear Mr. President:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I hereby transmit to you with my objections Senate Bill 609, enacted by the Legislature during the Regular Session commencing February 1, 1972, and entitled:

"An act relating to the department of administration, amending section 216.023; paragraph (a) of subsection (1) of section 216.262; and subsection (1) of section 216.292, Florida Statutes; legislative budget form prescribed by the department made subject to approval by the chairman of legislative appropriations committees; further restricts the authority of the administration commission to authorize an increase in the number of positions authorized in appropriations acts; further restricts authority to transfer appropriations; providing an effective date."

The 1971 Session of the Legislature enacted into law Chapter 71-354 which, among other things, spelled out for the first time certain conditions under which the number of positions for an agency can exceed the number provided in the Appropriations Act.

There is no doubt concerning the ability of the Legislature to limit the number of authorized positions; this is a sound fiscal practice and a proper restriction on the use of appropriated funds. The restrictions and limitations approved by the Legislature, however, must leave the Executive Branch sufficient flexibility to properly administer approved programs. This flexibility is necessary to adjust for changing conditions which were not anticipated at the time the Legislature approved the budget for the coming fiscal year.

This bill would eliminate three of the seven specific conditions set forth in Chapter 216.262, Florida Statutes, which authorize the Administration Commission to allocate additional positions. It would remove the authority to establish positions for the following purposes:

1. To take advantage of opportunities to reduce operating expenditures or to increase the revenues of the State.
2. To authorize positions which were not fixed by the Legislature through error in drafting the appropriations acts, after consultation with the chairman of the legislative appropriations committees.
3. To cover substantial increases in demonstrated workload above the level provided in the appropriations.

During the current fiscal year, there have been developments which justified use of each of these authorizations to establish additional positions.

Clearly, state government must be able to take advantage of opportunities to save money or increase the revenues of the State when those opportunities present themselves. Likewise, there must be adequate procedures for correcting inadvertent errors in appropriation acts. Also, to deliver efficiently the approved services without delays, the Governor and Cabinet should retain the authority to establish additional positions where there is a substantial and unanticipated increase in the demonstrated workload. This would include increases above the estimated numbers of students at our universities and inmates or patients at our institutions as well as responsibilities required by legislation authorizing new programs or program improvements which were developed during the legislative session and, therefore, were not considered in the appropriations process.

Even if the removal of these objections could be accomplished, however, I believe this bill is unconstitutional because it attempts to require prior approval of the Chairman of the Senate Ways and Means Committee and the Chairman of the House Appropriations Committee before the Executive Branch can act.

Article II, Section 3 of the Florida Constitution provides that the powers of state government shall be divided into legislative, executive and judicial branches. This section also states:

"No person belonging to one branch shall exercise any powers belonging to the other branches unless expressly provided herein."

There is, of course, no exemption that would authorize the type of procedures which would be established by Senate Bill 609.

Provisions of this bill would alter Section 216.262, Florida Statutes, by requiring the agreement of both the Chairman of the Senate Ways and Means Committee and the Chairman of the House Appropriations Committee before the Administration Commission could act to meet emergencies. This requirement for approval by individual members of the Legislature poses, in my opinion, a fundamental constitutional problem.

In a similar manner, Senate Bill 609 amends Section 216.023, Florida Statutes, to require approval of the Chairman of the Senate Ways and Means Committee and the Chairman of the House Appropriations Committee before instructions for preparation of budget requests can be sent to the various agencies. These instructions and budgetary forms determine the nature and extent of information that each agency is required to submit to the Governor by November 1 of each year for preparation of the Governor's Recommended Budget.

The Legislature can by law establish the limits and conditions for the exercise of executive decision. If it chooses to do so, the Legislature can even write into law a specific budget

form which all agencies would be required to use. Or, the Legislature can continue to provide for consultation and cooperation between the legislative and executive branches.

In my view, it is neither constitutional nor reasonable for the Legislature to require prior approval by individual members of the Legislature for the administrative functions of the Executive Branch of government. This violation of the constitutional requirement for the separation of the respective functions for the branches of government is the compelling reason for my disapproval of Senate Bill 609.

For these reasons, I am withholding my approval of Senate Bill 609, Regular Session of the Legislature commencing February 1, 1972, and do hereby veto the same.

Sincerely,
REUBIN O'D. ASKEW
Governor

The President put the question: "Shall the bill pass the Governor's objections to the contrary notwithstanding?"

SB 609 (1972 Regular Session) passed by the required constitutional two-thirds vote of all members present and was certified to the House. The vote was:

Yeas—39

Mr. President	de la Parte	Knopke	Sayler
Arnold	Ducker	Lane	Scarborough
Barrow	Fincher	Lewis (33rd)	Stolzenburg
Beaufort	Gunter	Lewis (43rd)	Trask
Bell	Haverfield	McClain	Ware
Bishop	Henderson	Myers	Weber
Peterson	Hollahan	Ott	Weissenborn
Brantley	Johnson (29th)	Plante	Williams
Childers	Johnson (34th)	Poston	Wilson
Deeb	Karl	Saunders	

Nays—1

Boyd

By unanimous consent Senator Broxson was recorded as voting yea.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Sir:

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

By the Committee on Judiciary—Criminal—

SB 487—A bill to be entitled An act relating to arrests; amending §901.06 and §901.23, Florida Statutes, as amended by chapter 70-339, Laws of Florida, to provide for reports of felony arrests with or without warrants; providing an effective date.

Amendment 2—On page 1, line 14, strike everything after the enacting clause and insert the following:

Section 1. Sections 901.27, 901.28, 901.29, 901.30, 901.31, and 901.32, Florida Statutes, are created to read:

901.27 Definition.—The following term when used in this chapter, unless the context clearly indicates otherwise, shall have the following meaning:

Notice to appear means a written order issued by a law enforcement officer requiring a person accused of violating the law to appear in a designated court or governmental office at a specified date and time.

901.28 Notice to appear for misdemeanor; forms and requisites.

(1) If a person is arrested for an offense declared to be a misdemeanor of the first or second degree and does not demand to be taken before a magistrate, the arresting officer or booking officer may issue such person a notice to appear if:

(a) there is sufficient and reasonable cause to believe that the defendant will not flee to avoid prosecution and will not fail to respond to a notice to appear; and

(b) the accused identifies himself satisfactorily; and

(c) the accused signs the notice to appear; and

(d) arrest or detention is not necessary to prevent imminent bodily harm to the accused or to another.

(2) If a notice to appear is issued pursuant to subsection (1) for a misdemeanor of the second degree, the notice shall be issued immediately upon arrest or after the person has been taken to police headquarters.

(3) If a notice to appear is issued pursuant to subsection (1) for a misdemeanor of the first degree, the notice shall be issued only at police headquarters and after a reasonable investigation by the booking officer of the following factors, which indicate the defendant's community ties and likelihood to appear as directed:

(a) defendant's residence,

(b) employment record,

(c) family relationships,

(d) past history of response to the legal process, and

(e) past criminal record.

(4) The arresting officer shall prepare in duplicate a written notice to appear in court, containing the name and address of the person, the offense charged, the time and place where the person shall appear in court, the name and address of the court, the name of the arresting officer, and the signature of the person. The court specified in the notice shall be the trial court having jurisdiction to try the offense charged.

(5) The issuance of a notice to appear shall not be construed to affect a law enforcement officer's authority to conduct an otherwise lawful search, as provided for in Florida Statutes.

(6) Rules and regulations of procedure governing the exercise of authority to issue citations shall be established by the chiefs of the respective law enforcement agencies having jurisdiction in order to effectively implement the provisions of this act.

(7) Nothing contained herein shall prevent the operation of a traffic violations bureau, or the issuance of citations for traffic violations.

901.29 Authorization to take person to medical facility.—Even though a notice to appear is issued, a law enforcement officer shall be authorized to take a person to a medical facility for such care as appropriate.

901.30 How notice to appear served.—The officer shall deliver one (1) copy of the notice to appear to the arrested person and such person in order to secure release shall give his written promise to appear in court by signing the duplicate notice which shall be retained by the officer. The arresting officer shall then release the person arrested from custody.

901.31 Failure to obey written promise to appear.—Any person who willfully fails to appear before any court or judicial officer as required by a written notice to appear shall be fined not more than the fine of the principal charge or imprisoned up to the maximum years of imprisonment of the principal charge, or both, regardless of the disposition of the charge upon which he was originally arrested. Nothing in this section shall interfere with or prevent the court from exercising its power to punish for contempt.

901.32 Issuance of warrant on failure to appear.—When a person signs a written notice to appear and fails to respond to the notice to appear, a warrant of arrest shall be issued within twenty (20) days after his failure to appear.

Section 2. Section 901.06, Florida Statutes, is amended to read:

901.06 Duty of officer after arresting with warrant; report required.—

(1) When arrest by a warrant occurs in the county where the alleged offense was committed and the warrant issued, the officer making the arrest shall without unnecessary delay take the person arrested before the magistrate who issued the warrant or if the magistrate is absent or unable to act, before the most accessible magistrate in the same county. This section is not applicable to an officer who issues a notice to appear pursuant to section 901.28, Florida Statutes.

(2) Within forty-eight (48) hours after an arrest for commission of a felony the law enforcement agency, whose officer performed the arrest, shall deliver to the agency having authority to prosecute the offense charged, a record of such arrest, to include the following information:

(a) The name and address of the person arrested.

(b) The time and location of arrest.

(c) A description of the circumstances surrounding the arrest.

(d) A copy of the arrest warrant, if any, and the complaint, if any.

(e) The name of the arresting officer and the name of the law enforcement agency by whom employed.

(3) All investigative activity, which occurs after the report described in subsection (2), shall be documented by reports which shall be delivered to the appropriate prosecuting attorney.

Section 3. Section 901.23, Florida Statutes, is amended to read:

901.23 Duty of officer after arrest without warrant; report required.—

(1) A law enforcement peace officer making an arrest without a warrant shall take the arrested person without unnecessary delay before the most accessible magistrate in the same county and shall make a complaint stating the facts constituting the offense for which the person was arrested. This section is not applicable to an officer who issues a notice to appear pursuant to section 901.28, Florida Statutes.

(2) Within forty-eight (48) hours after an arrest for commission of a felony the law enforcement agency, whose officer performed the arrest, shall deliver to the agency having authority to prosecute the offense charged, a report of such arrest, to include the following information:

(a) The name and address of the person arrested.

(b) The time and location of arrest.

(c) A description of the circumstances surrounding the arrest.

(d) A copy of the arrest warrant, if any, and the complaint, if any.

(e) The name of the arresting officer and the name of the law enforcement agency by whom employed.

(3) All investigative activity, which occurs after the report described in subsection (2), shall be documented by reports which shall be delivered to the appropriate prosecuting attorney.

Section 4. Section 903.025, Florida Statutes, is created to read:

903.025 Definition.—The following term when used in this chapter shall, unless the context clearly indicates otherwise, have the following meaning:

Release on recognizance means the release of a defendant by a committing magistrate without money bail upon his promise to appear at all appropriate times.

Section 5. Section 903.03, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 903.03, Florida Statutes, for present text.)

903.03 Jurisdiction of committing magistrate or trial court to admit to bail and recognizance.

(1) When a person is held to answer by a magistrate to any bailable offense, the magistrate or the court having jurisdiction to try the defendant, shall, before indictment, affidavit, or information is filed, have jurisdiction to admit to bail or release the person on his own recognizance, consistent with the provisions of this act. The court having jurisdiction to try the defendant shall hear and decide all preliminary motions regarding bail, recognizance and production or impounding of all articles, writings, monies, or other exhibits expected to be used at the trial by either the state or the defendant.

(2) The court shall appoint a person or agency to make an exploratory investigation prior to the defendant's first appearance and report to the court:

(a) the defendant's employment status and history and his financial condition;

(b) the nature and extent of his family relationships;

(c) his past and present residences;

(d) his character and reputation;

(e) names of persons who agree to assist him in attending court at the proper time;

(f) the nature of the current charge and any mitigating or aggravating factors that may bear on the likelihood of conviction and the possible penalty;

(g) the defendant's prior criminal record, and his previous performance on releases pending trial;

(h) any facts indicating the possibility of violations of law if the defendant is released without restrictions;

(i) any other facts tending to indicate that the defendant has strong ties to the community and is not likely to flee the jurisdiction; and

(j) other facts that may be needed to assist the court in its determination of the indigency of the accused, and whether he should be released on bail or on recognizance.

(3) No such investigation is required if the prosecution advises that it does not oppose release on bail or on recognizance and the committing magistrate waives the investigation.

(4) A defendant charged with a misdemeanor of the first or second degree shall be released on recognizance or on bail without the exploratory investigation, unless the prosecution gives notice to the committing magistrate that it intends to oppose such release. If such notice is given, the investigation shall be conducted.

Section 6. Sections 903.031, 903.032, 903.033, 903.034, and 903.035, Florida Statutes, are created to read:

903.031 Release on bailable cases prior to trial.—

(1) Any person charged with a bailable offense, shall be ordered released, at his appearance before a committing magistrate, pending trial on his personal recognizance, unless the magistrate determines, in the exercise of his discretion and after considering the investigation made pursuant to section 903.03, that such a release will not reasonably assure the appearance of the person as required. When such a determination is made, the committing magistrate may, either in lieu of or in addition to release on recognizance, impose any or all of the following conditions of release:

(a) Release the defendant into the care of a qualified person or organization responsible for supervising the defendant and assisting him in appearing in court. Such supervisor shall be expected to maintain close contact with the defendant, to assist him in making arrangements to appear in court, and where appropriate, to accompany him to court. The supervisor shall not be required to be financially responsible for the defendant, nor to forfeit money in the event he fails to appear in court;

(b) Place the defendant under the supervision of a probation officer or other appropriate public official;

(c) Impose reasonable restrictions on the activities, movements, associations and residences of the defendant;

(d) Release the defendant during working hours but require him to return to custody at specified times; or

(e) Impose any other reasonable restrictions designed to assure the defendant's appearance.

(2) If the committing magistrate determines that release on recognizance, with or without any conditions of release, will not reasonably assure the appearance of the person, he may release the defendant on money bail.

(3) A committing magistrate authorizing the release of a person under this section shall issue an appropriate order containing a statement of the conditions imposed, if any; shall inform such person of the penalties applicable to violations of the conditions of his release; and shall advise him that a warrant for his arrest will be issued immediately upon any such violation.

903.032 Review and appeal of conditions of release.—

(1)(a) A person for whom conditions of release are imposed and who after twenty-four hours from the time of the release hearing continues to be detained as a result of his inability to meet the conditions of release, shall, upon application, be entitled to have the conditions reviewed by the committing magistrate who imposed them. Unless the conditions of release are amended and the person is thereupon released, the committing magistrate shall set forth in writing the reasons for requiring the conditions imposed. A person who is ordered released on a condition which requires that he return to custody after specified hours shall, upon application, be entitled to a review by the committing magistrate who imposed the condition. Unless the requirement is removed and the person is thereupon released on another condition, the committing magistrate shall set forth in writing the reasons for continuing the requirements. In the event that the committing magistrate who imposed conditions of release is not available, any other committing magistrate in the circuit may review such conditions.

(b) A committing magistrate ordering the release of a person on any condition specified in this section may at any time amend his order to impose additional or different conditions of release; provided, that, if the imposition of such additional or different conditions results in the detention of the person as a result of his inability to meet such conditions or in the release of the person on a condition requiring him to return to custody after specified hours, the provisions of paragraph (a) shall apply.

(2) An appeal of any of the conditions of release shall be in the same manner as an appeal of excessive bail.

903.033 Violations of conditions of release; penalty for violating.—

(1) Upon a verified application by the prosecuting attorney alleging that a defendant has willfully violated the conditions of release, a magistrate may issue a warrant directing that the defendant be arrested and taken before the releasing court for hearing. A law enforcement officer having reasonable grounds to believe that a released felony defendant has violated the conditions of his release, where it would be impracticable to secure a warrant, may arrest the defendant and take him before the releasing court.

(2) After hearing, and upon finding that the defendant has willfully violated reasonable conditions imposed on his release, the court may impose different or additional conditions upon the defendant's release or revoke his release.

(3) If the defendant's release on recognizance is revoked, he may be released on money bail at the discretion of the court.

903.034 Failure to appear when on recognizance.—

(1) Any person who willfully fails to appear as required by recognizance shall be fined by not more than the fine of the principal charge or imprisoned up to the maximum years of imprisonment of the principal charge, or both.

(2) Nothing in this section shall interfere with or prevent the exercise by the court of its power to punish for contempt.

903.035 Release on money bail.—

(1) Money bail shall be set only when it is found that no other conditions of release will reasonably assure the defendant's appearance in court.

(2) The sole purpose of money bail is to assure the defendant's appearance. Money bail shall not be set to punish or frighten the defendant, to placate public opinion or to prevent anticipated criminal conduct.

(3) Money bail shall be set no higher than the amount reasonably required to assure the defendant's appearance in court. In setting the amount of bail the judicial officer shall consider all facts relevant to the risk of willful nonappearance, including but not limited to:

(a) the length and character of the defendant's residence in the community;

(b) his employment status and history of his financial condition;

(c) his family ties and relationship;

(d) his reputation, character and mental condition;

(e) his past history of response to the legal process;

(f) his prior criminal record;

(g) the identity of responsible members of the community who would vouch for the defendant's reliability;

(h) the nature of the current charge, the apparent probability of conviction and the likely sentence, insofar as these factors are relevant to the risk of nonappearance; and

(i) any other factors indicating the defendant's roots in the community.

(4) Money bail shall be determined on an individualized basis taking into account the special circumstances of each defendant. Nothing contained herein shall prevent a court from establishing a bond schedule for traffic violations.

Section 7. This act shall take effect October 1, 1972.

Amendment 3—In the title On page 1, lines 3—9, strike all of lines 3 through 9 and insert the following:

An act relating to criminal procedure; creating §§901.27, 901.28, 901.29, 901.30, 901.31, and 901.32, Florida Statutes, providing a definition; providing authorization to issue a notice to appear for misdemeanors; providing for an investigation; providing authorization to take person to medical facility; providing for service of notice; providing penalty for failure to appear; providing for issuance of warrant; amending §§901.06 and 901.23, Florida Statutes, releasing the officer from the duty to take a person before a committing magistrate when a notice to appear is issued and requiring reports of felony arrests; amending §903.03, Florida Statutes, to provide for release on recognizance; creating §§903.025, 903.031, 903.032, 903.033, 903.034, and 903.035, Florida Statutes, providing a definition; providing for conditions of release on recognizance, appeals from conditions of release, penalty for violations of these conditions, penalty for failure to appear when on recognizance and providing standards for money bail; providing an effective date.

WHEREAS, the purpose of bail is to assure a defendant's appearance in court under the presumption of innocence, and

WHEREAS, swift, sure and speedy justice is best served by the defendant's appearance in court, and

WHEREAS, police efficiency and a saving of public funds will be enhanced by an effective pretrial release system, and

WHEREAS, deprivation of liberty pending trial subjects persons whose guilt has not yet been judicially established to economic and psychological hardship, interferes with their ability to defend themselves, and in many cases, deprives their families of support, and

WHEREAS, the criminal justice system of Florida is overburdened with case loads, and

WHEREAS, the jail facilities used in holding the accused are overcrowded and inadequate, and

WHEREAS, in counties fully utilizing the release on recognizance procedures, such overcrowded conditions have been greatly relieved, and

WHEREAS, the American Bar Association has established standards of pretrial release which place reliance on the accused's community ties to assure appearance at trial, and

WHEREAS, the Federal Bail Reform Act of 1966 seeks to overcome the discriminatory aspects of money bail by emphasizing pretrial release programs which use personal recognizance and conditions of release, and

WHEREAS, the President's Commission on Law Enforcement and Administration of Justice recommends that local projects should be undertaken at the state, county, and local levels to furnish judicial officers with sufficient information to permit the pretrial release without financial conditions of all but that small portion of defendants who present a high risk of flight or dangerous acts prior to trial, NOW, THEREFORE,

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motion by Senator Barrow, SB 487, contained in the above message, was read the first time by title and with House amendments was recommitted to the Committee on Judiciary—Criminal.

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Sir:

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

By Representative Lane and others—

HB 4396—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending §7 of chapter 23559, Laws of Florida, 1945, as amended by §6 of chapter 57-1900, §3 of chapter 59-1922, and §2 of chapter 67-2115, all Laws of Florida, relating to the pension or retirement system for disabled or retired employees of the city; providing for and prescribing the pension status and the terms and conditions of reinstatement in the pension plan of former members thereof who are reemployed by the City of Tampa after such members have elected to take a deferred proportionate pension; providing an effective date.

Proof of Publication attached.

By Representative Lane and others—

HB 4406—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending §5 of chapter 23559, Laws of Florida, 1945, as amended by §4 of chapter 57-1900 and §2 of chapter 59-1922, Laws of Florida, relating to the pension or retirement system for disabled or retired employees; making the allowance of creditable service for military service optional with the employee upon certain terms and conditions; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Sir:

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

By Representative Mattox and others—

HB 4355—A bill to be entitled An act relating to the City of Lakeland, Polk County; authorizing the city commission to establish by ordinance a cemetery perpetual care fund for the city; prescribing the powers of the trustees of such fund; prescribing the qualifications of the trustees and their method of selection; providing an effective date.

Proof of Publication attached.

By Representative Johnson and others—

HB 4370—A bill to be entitled An act relating to Sarasota County; providing for the establishment of a special lighting

district to be known as Warm Mineral Springs Lighting District, No. 1, amending Chapter 70-929, Laws of Florida, by changing the described area of said district so as to provide for the inclusion of the below described parcels of real estate, which are adjoining and contiguous to the present boundaries of the Warm Mineral Springs Lighting District, No. 1; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Sir:

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

By Representative Whitson and others—

HB 4449—A bill to be entitled An act relating to Pinellas County; authorizing police officers of each municipality in Pinellas County to exercise their powers of arrest throughout the county in the same manner as deputy sheriffs pursuant to law; providing an effective date.

Proof of Publication attached.

By Representative Whitson and others—

HB 4450—A bill to be entitled An act relating to Pinellas County; creating a countywide police standards council; setting forth the purposes, membership, powers and duties; providing that the council shall study and make recommendations to the legislature with regard to proposed standards relating to facilities, equipment and manpower and minimum standards in connection with the employment, compensation and training of police officers; providing an effective date.

Proof of Publication attached.

By Representative Whitson and others—

HB 4451—A bill to be entitled An act relating to Pinellas County; creating the Pinellas major felony squad to be known as the "M-squad"; providing for cooperative county-wide investigations of certain major felonies committed within the county and its several municipalities; providing for its purposes, membership and composition, organization, powers and duties; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Sir:

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

By Representative Johnson and others—

HB 4344—A bill to be entitled An act creating a jury commission; prescribing the qualifications of jury commissioners and their method of appointment, powers, duties, salaries, functions and official terms; determining the number of jurors to be listed for jury duty; providing for the selection, listing and procurement of such jurors; providing an effective date.

Proof of Publication attached.

By Representatives Walker and Randall—

HB 4395—A bill to be entitled An act relating to Glades County; amending §§1 and 8 of chapter 71-456, Laws of Florida, to increase the jurisdiction of the small claims court of said county to include claims up to five hundred dollars (\$500); increasing filing fees for certain proceedings; confirming consistent action taken since June 25, 1971; providing an effective date.

Proof of Publication attached.

By Representative Culbreath and others—

HB 4422—A bill to be entitled An act relating to Hernando County; amending §10 of chapter 69-1097, Laws of Florida, to make it unlawful for any person in the process of taking or attempting to take fish from fresh or salt water in the county to use nets or seines from a boat powered by a gasoline or diesel engine or propelled by such gasoline or diesel powered boat; providing an effective date.

Proof of Publication attached.

By Representative Fleece (by request) and others—

HB 4412—A bill to be entitled An act relating to Pinellas County, club alcoholic beverage licenses; excepting the Treasure Island Tennis and Yacht Club Corporation, Treasure Island, Florida, from the provisions of section 561.20(6), Florida Statutes, as the same relates to the number of such licenses that may be issued in Pinellas County; excepting said club from the provisions of any other laws of general, special, or local nature relating to the number of licenses to be issued in Pinellas County; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Sir:

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

By Representative Shreve and others—

HB 4389—A bill to be entitled An act relating to the City of Titusville, Brevard County, Florida; amending section 1 of Special Acts of 1967, chapter 67-2138, Laws of Florida, by extending the city limits of the City of Titusville, Brevard County, Florida, to include the North Brevard Industrial Park and necessary roadway to connect existing city limits to the industrial park; update descriptions to include all petitions for annexations not previously included; and providing for an effective date.

Proof of Publication attached.

By Representatives Shaw and Hollingsworth—

HB 4413—A bill to be entitled An act relating to the City of Macclenny in Baker County; amending Chapter 24670, Laws of Florida, Special Acts 1947, by increasing the corporate limits of the City of Macclenny; providing for an effective date.

Proof of Publication attached.

By Representatives Hollingsworth and Shaw—

HB 4438—A bill to be entitled An act relating to Baker County, Florida, providing for a separate clerk for the County Court of Baker County, Florida; providing for the appointment of said clerk; providing for a salary for said clerk; providing for the payment therefore to be made by Baker County; providing for the powers and duties of said clerk, and providing for an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Sir:

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

By Representative David Clark and others—

HB 4108—A Bill to be entitled An act relating to Palm Beach County; providing for an additional beverage license in such county, to be issued to Everglades Lodge #1323 I.B.P.O.E. of W., Inc., a Non-profit Florida Corporation in Belle Glade; providing for an effective date.

Proof of Publication attached.

By Representative Powell and others—

HB 4338—A bill to be entitled An act relating to Okeechobee County, club alcoholic beverage licenses; excepting the Okeechobee Golf and Country Club, Inc., from the provisions of §561.20(6), Florida Statutes, insofar as the same relates to the number of such licenses that may be issued in Okeechobee County; excepting said club from the provisions of any other laws of general, special, or local nature relating to the number of licenses to be issued in said county; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Sir:

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

By Representative Tittle—

HB 4373—A bill to be entitled An act relating to the Monroe County Waste Collection and Disposal District; creating, establishing, organizing and constituting said district; defining the territorial boundaries of the new district; providing for the governing body of the district; defining its powers and duties; designating the number of supervisors for such district; naming the first board of supervisors; providing for the acquisition, construction and maintenance of improvements; providing for the levy of taxes and assessments and the collection and enforcement thereof for its operation; providing for the issuance of bonds or other evidences of indebtedness to pay for costs of improvements; providing for the financing of improvements; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Sir:

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

By Representative Johnson and others—

HB 4343—A bill to be entitled An act amending Chapter 57-1221, Special Acts of 1957, amending Section 3, relative to the appointment of three (3) persons to constitute membership in the lighting district and eliminating membership of the county commissioners therefrom, providing that all laws in conflict are repealed; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Sir:

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

By Representatives Chapman and Rish—

HB 4443—A bill to be entitled An act relating to the City of Panama City, Bay County; amending section 14, chapter 63-1756, Laws of Florida, relating to the civil service system of the city; excluding all temporary construction workers of the city for a period of one (1) year following date of their employment; repealing all laws in conflict herewith; providing an effective date.

Proof of Publication attached.

By Representatives Chapman and Rish—

HB 4444—A bill to be entitled An act relating to the City of Panama City, Bay County; amending article I, section 2, and wards I and III of section 3 of chapter 63-1757, Laws of Florida, by redefining the municipal limits of the city and the related wards affected thereby; repealing all laws in conflict herewith; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Sir:

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

By Representatives Shaw and Hollingsworth—

HB 4394—A bill to be entitled An act to provide for a clerk and deputy clerks of the County Court in Nassau County, providing for the method of appointment, term of office, and that compensation shall be provided for in the annual budget of the County Court; providing that all laws or parts of laws in conflict herewith are hereby repealed; and providing for an effective date.

Proof of Publication attached.

By Representative Shaw—

HB 4459—A bill to be entitled An act relating to Clay County Development Authority; amending Section 4 of Chapter 57-1226, Laws of Florida as amended by Chapter 63-1223, Laws of Florida, providing for staggered terms of members; amending Section 6 of Chapter 57-1226, Laws of Florida, providing the number of members necessary to constitute a quorum; and

amending Section 9 of Chapter 57-1226, Laws of Florida; providing for issuance of bonds and revenue certificates; providing an effective date.

Proof of Publication attached.

By Representative L. McDonald—

HB 4398—A bill to be entitled An act relating to Suwannee county; providing for the creation of a clerk for the county court of Suwannee county, contingent upon the approval of a new article V of the state Constitution; providing for the method of appointment of the clerk and staff, the term of office, and budget procedures; providing for the powers and duties of the clerk and deputy clerks; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Sir:

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

By Representative Reed and others—

HB 3500—A bill to be entitled An act relating to Palm Beach County; providing for an additional beverage license in such county, to be issued to the Sea Horse Bath & Tennis Club, Inc., in Delray Beach, Florida; and providing an effective date.

Proof of Publication attached.

By Representative Spicola and others—

HB 3574—A bill to be entitled An act relating to Hillsborough County, club alcoholic beverage licenses; authorizing the issuance of a club liquor license to the Veterans of Foreign Wars, Post No. 424, Hillsborough County, under authority of chapter 561, Florida Statutes; providing for certain limitations affecting transfer and service; providing an effective date.

Proof of Publication attached.

By Representative Martinez and others—

HB 3703—A bill to be entitled An act relating to Hillsborough County, club alcoholic beverage licenses; authorizing the issuance of a club liquor license to the Cuban Civic Club, Hillsborough County, under authority of chapter 561, Florida Statutes; providing for certain limitations affecting transfer and service; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Sir:

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

By Representative David Clark and others—

HB 4454—A bill to be entitled An act to establish a local government study commission in Palm Beach county, Florida, to study the structure, functions and operations of all governmental units and bodies located within the said county, includ-

ing the county government, municipal governments, public bodies, corporate, and all offices, agencies, commissions, boards, authorities and other subdivisions thereof; to determine the need if any, for consolidation, separation, addition, removal or other revision of such structures, functions and operations; to determine whether tax savings can be made and whether efficiency can be gained through such revision of such local governmental structures, functions and operations; to provide that said commission may draft a plan or plans for any solution of problems disclosed as a result of such study and submit the same to the members of the Florida Legislature from Palm Beach county; to provide for the designation of the members of such commission and to provide a method of filling vacancies; to provide for the organizations and terms of such commission, prescribing its duties and powers; to provide for appropriations from Palm Beach county for the payment of the cost of operation of such commission; providing an effective date.

Proof of Publication attached.

By Representative Glisson and others—

HB 4457—A bill to be entitled An act to amend Section 1, of Article II, of Chapter 57-1314, Laws of Florida, Special Acts of 1957, being the Charter of the City of Eustis, Lake County, Florida, and all acts amendatory and supplemental thereto; providing for a re-definition of the corporate limits of said city; providing that the property within said territory and extension shall be liable for its proportionate share of the existing and future indebtedness of the said city; and providing an effective date.

Proof of Publication attached.

By Representative Martinez and others—

HB 3903—A bill to be entitled An act relating to Hillsborough County, office of public defender; providing for compensation for the public defender; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Sir:

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

By Representatives Chapman and Rish—

HB 4445—A bill to be entitled An act relating to the City of Panama City, Bay County; establishing a Central Panama City Planning and Parking Authority; providing for the appointment and election of members to the authority, their terms in office, their qualifications to hold office in the authority, the duties, responsibilities and compensation of such members; providing for the maintenance of the board, the collection of revenue from on and off street parking, the hiring of personnel, and the development of new facilities; providing an effective date.

Proof of Publication attached.

By Representative L. McDonald—

HB 4399—A bill to be entitled An act relating to Hamilton county; providing for the creation of a clerk for the county court of Hamilton county, contingent upon the approval of a new article V of the state constitution; providing for the method of appointment of the clerk and staff, the term of office, and budget procedures; providing for the powers and duties of the clerk and deputy clerks; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Sir:

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

By Representatives Hollingsworth and Shaw—

HB 4441—A bill to be entitled An act relating to Columbia County, Florida, providing for a separate Clerk for the County Court of Columbia County. Contingent upon the adoption of a new Article V to the Florida Constitution, providing for the appointment of the Clerk and staff, providing a budget to finance the Court, providing for the powers and duties of the Clerk and Deputy Clerks and providing for an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Sir:

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

By Representatives Walker and Randell—

HB 3835—A bill to be entitled An act relating to Collier County, club alcoholic beverage licenses; excepting the Moorings Country Club of Naples from the provisions of §561.20(6), Florida Statutes, insofar as the same relates to the number of such licenses that may be issued in Collier County; excepting said club from the provisions of any other laws of general, special, or local nature relating to the number of licenses to be issued in said county; providing an effective date.

Proof of Publication attached.

By Representative J. W. Robinson—

HB 3860—A bill to be entitled An act relating to Brevard County, club alcoholic beverage licenses; excepting V.F.W. Post 10148, Cocoa Beach, and V.F.W. Post 4534, Cocoa-Rockledge, from the provisions of §561.20(6), Florida Statutes, as the same relates to the number of such licenses that may be issued in Brevard County; excepting said clubs from the provisions of any other laws of general, special, or local nature relating to the number of licenses to be issued in Brevard County; providing an effective date.

Proof of Publication attached.

By Representative Tubbs and others—

HB 3979—A bill to be entitled An act relating to alcoholic beverage licenses in Brevard County; providing for an additional beverage license for the Barefoot Bay Corporation doing business as Barefoot Bay Golf and Country Club of Micco, Florida; providing for the waiver of the term of existence of the licensee; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Sir:

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

By Representative Tubbs and others—

HB 4258—A bill to be entitled An act relating to Brevard County, Florida; relating to the regulating, licensing and testing of those engaged in the business of heating, air conditioning, refrigeration and ventilating contractors and sheet metal contractors in all of the areas of Brevard County, Florida; granting the board of county commissioners of Brevard County the power and authority to repeal and amend any or all of the provisions of Chapter 71-554, Laws of Florida; providing an effective date.

Proof of Publication attached.

By Representative Sims and others—

HB 3384—A bill to be entitled An act relating to Seminole County, club alcoholic beverage licenses; excepting Benevolent and Protective Order of Elks, No. 1830, a charitable fraternal organization of said county, from the provisions of chapter 561.20(6), Florida Statutes, in regard to the limitation on such licenses that may be issued in said county, under the provisions of chapter 561.34(6), Florida Statutes, and excepting said club from the provisions of any other laws of Florida, general, special or local, limiting the number of such licenses that may be issued; providing an effective date.

Proof of Publication attached.

By Representative Reed and others—

HB 3499—A bill to be entitled An act relating to Palm Beach County; Providing for an additional beverage license in such county, to be issued to the Ocean Club of Florida, Inc., in Ocean Ridge, Delray Beach, Florida; and providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Sir:

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

By Representative Moudry and others—

HB 4426—A bill to be entitled An act establishing the Lake Worth Downtown Development Authority as a body corporate and designating its functions as municipal; delineating the boundaries of the downtown area; prescribing the number, qualifications, term and methods of appointment and removal of members; providing for filling vacancies in office, for service without compensation, for reimbursement of expenses, for bonding and for personal liability in certain instances; providing for bylaws and internal government of the Authority; prescribing its functions and powers, including powers to acquire, own, lease and dispose of property, to request the City of Lake Worth to exercise its eminent domain power for the benefit of the Authority, to issue, sell, and provide security for revenue certificates, to borrow on short term, to fix, regulate, and collect rates and charges, to maintain offices, to employ and prescribe the duties, authority, tenure, compensation, and expense reimbursement of a director and other staff, and to exercise all necessary incidental powers; levying in each fiscal year an ad valorem property tax not exceeding one mill to finance Authority operations; providing for assessment and collection thereof by the City; subject to compensation to it for services rendered to the Authority; requiring maintenance of records, budget and fiscal control, for bidding participation on behalf of the Authority by personnel financially interested in the matter involved; exempting Authority property from taxation to the extent of City property exemption; providing for succession by the City to the property and certain functions of the Authority if it ceases to exist or operate; regulating issuance of Authority revenue certificates; prescribing scope of this Act; and providing for its liberal construction, severability and effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Sir:

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

By Representative J. W. Robinson and others—

HB 4414—A bill to be entitled An act relating to Brevard County, Florida; providing for the creation of a special tax district for the establishment, operation and maintenance of a free public library within boundaries co-terminous with the boundaries of Brevard County; providing for the levy of a tax not to exceed one (1) mill on all taxable property within said special tax district for said library purposes; granting the board of county commissioners of Brevard County the power to establish and enforce by ordinance standards, rules and regulations for the establishment, operation and maintenance of said free public library within said special tax district; providing said act shall become effective upon approval by referendum of said special district millage.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Sir:

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

By Representative Tubbs and others—

HB 3976—A bill to be entitled An act relating to the Titusville-Cocoa Airport District; amending Section 9 of Chapter 63-1143, Laws of Florida, to give the board of county commissioners of Brevard County, Florida, the power to approve and increase or reduce the annual budget of the district; amending Section 8(f) and 8(g) of Chapter 63-1143, Laws of Florida, to provide that the power of the District to issue bonds shall be subject to the prior approval of the board of county commissioners of Brevard County, Florida; and providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Sir:

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

By Representative Elmore and others—

HB 4461—A bill to be entitled An act relating to the City of Crestview, Okaloosa County; amending subsection (B) of section 19 and subsection (A) of section 20 of chapter 63-1249,

Laws of Florida, to authorize the issuance of revenue certificates or like certificates of indebtedness without approval by election and upon the approval of the mayor and the unanimous affirmative vote of the members of the council; requiring an election absent such approval and unanimous vote; providing that the ordinance providing for such election shall be passed by a unanimous vote of the members of the council; amending section 21 of chapter 63-1249, Laws of Florida, to prohibit the expenditure of proceeds of a bond issue or revenue certificate for any project to be constructed outside the city limits; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Sir:

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

By Representative Powell and others—

HB 4273—A bill to be entitled An act creating and establishing the Brevard County Expressway Authority; providing definitions of terms; providing for members thereon; providing purposes and powers for said authority; providing for the issuance of bonds, the security for payment thereof and remedies of bondholders; providing an effective date.

Proof of Publication attached.

By Representative Johnson and others—

HB 4369—A bill to be entitled An act relating to Sarasota County; amending Section 6 of Chapter 59-1832, Special Acts of 1959; providing for the collection of additional cost in civil actions commenced in the circuit court in and for Sarasota County, in civil actions commenced in the county court, in civil and in probate and guardianship matters commenced in the county judge's court in and for Sarasota County; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Sir:

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

By Representative Woodward—

HB 4442—A bill to be entitled An act creating a separate clerk for the County Court of Holmes, Walton, Santa Rosa, and Gadsden County. Contingent upon the adoption of a new Article V to the Florida Constitution, providing for the appointment of the Clerk and staff, providing a budget to finance the Court, providing for the powers and duties of the Clerk and Deputy Clerks, and providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

*The Honorable Jerry Thomas
President of the Senate*

March 30, 1972

ing the office of clerk of the county court; providing for the election and appointment of such officers, their duties and compensation; providing an effective date.

Sir:

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

—and requests the concurrence of the Senate therein.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

By Representatives Elmore and Melvin—

HB 4453—A bill to be entitled An act relating to the City of Crestview, Okaloosa County; authorizing said city to annex contiguous unincorporated tracts of land upon agreement of real property owners of such tracts and regardless of the number of residents or electors residing in such tracts; authorizing said city to annex such territory by ordinance subject to approval by separate vote in the territory to be annexed and in the municipality; directing the supervisor of elections of Okaloosa County to cooperate in the conduct of annexation elections by the city; providing an effective date.

*The Honorable Jerry Thomas
President of the Senate*

March 30, 1972

Sir:

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

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

By Representative Savage—

HB 4448—A bill to be entitled An act pertaining to local government in the Town of North Redington Beach; amending its Charter in respect to form of government, elective officers and elections; providing for a referendum election to be held to determine whether or not the Act shall take effect and, the effective date thereof; and repealing all laws and parts of law in conflict herewith.

—and requests the concurrence of the Senate therein.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

*The Honorable Jerry Thomas
President of the Senate*

March 30, 1972

Sir:

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

By Representative Reeves and others—

HB 4374—A bill to be entitled An act relating to Escambia County dividing the duties of the clerk of the circuit court between two officers, one serving as clerk of the circuit court and county court and one to be known as county comptroller and serving as exofficio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds and providing for election of said officers, their duties and compensation; providing an effective date.

*The Honorable Jerry Thomas
President of the Senate*

March 30, 1972

Sir:

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

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

By Representatives Shaw and Hollingsworth—

HB 4464—A bill to be entitled An act relating to limiting the number of licenses which may be granted for the sale of intoxicating beverages to an incorporated city or town lying within the limits of Nassau County, Florida, by vendors operating places of business where beverages containing alcohol of more than 14 per centum by weight are sold and excepting from the operation hereof all operators of railroads, sleeping cars, steamships, buses and airplanes obtaining licenses good throughout the State of Florida, under the Beverage Law of the State of Florida, and incorporated clubs, including social clubs, and caterers at horse or dog racing plants as defined in the Beverage Law of the State of Florida and owners of hotels, motels or motor courts of not less than fifty (50) guest rooms and restaurants seating not less than two hundred (200) patrons with four thousand (4,000) square feet and limiting beverage consumption to table service with food, and specifically excluding therefrom a cocktail lounge or open bar, providing that any such licenses issued to any said hotels, motels, motor courts, or restaurants owner shall only license such sale in any such hotels, motels, motor courts or restaurants and shall not be transferable except to a bona fide purchaser of said hotels, motels, motor courts or restaurants, and providing that the act shall not prevent or prohibit renewal of any licenses heretofore issued, providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

*The Honorable Jerry Thomas
President of the Senate*

March 30, 1972

Sir:

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

By Representative Santora and others—

HB 3990—A bill to be entitled An act relating to the duties of clerk of the circuit court in Duval County; establishing the office of clerk of the circuit court and county recorder; creat-

*The Honorable Jerry Thomas
President of the Senate*

March 30, 1972

Sir:

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

Evidence of notice and publication was established by the Senate as to House Bills 4396, 4406, 4355, 4370, 4449, 4450, 4451, 4344, 4395, 4422, 4412, 4389, 4413, 4438, 4108, 4338, 4373, 4343, 4443, 4444, 4394, 4459, 4398, 3500, 3574, 3703, 4454, 4457, 3903, 4445, 4399, 4441, 3835, 3860, 3979, 4258, 3384, 3499, 4426, 4414, 3976, 4461, 4273, 4369, 4442, 4453 and 4374 contained in the above messages, which were read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

By the Committee on Governmental Organization & Efficiency and Representative Tittle—

CS for HB 4236—A bill to be entitled An act creating the Historic Key West preservation board of trustees; creating part IV of chapter 266, Florida Statutes; providing definitions; declaring its purpose and functions; providing for the appointment, terms of office, bonding, and payment of the expenses of its members; describing the powers and duties of said board; providing for the establishment of historical districts and an architectural review board for same; providing for the right of eminent domain and the coordination of activities with the department of state; authorizes local appropriations; repealing chapter 69-1314, Laws of Florida, which created the Historic Key West preservation board of trustees; providing for administrative placement of the boards of trustees within the department of state; amending §266.112(1), Florida Statutes; providing that the governor shall appoint members of the historic Tallahassee preservation board of trustees; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

House Bills 3990, 4448, 4464 and CS for HB 4236, contained in the above messages, were read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Sir:

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

By Representatives Harlee and Gallen—

HB 4430—A bill to be entitled An act relating to Manatee County, Florida amending the Manatee County Law Library Act, Chapter 61-2455, Laws of Florida, Special Acts of 1961, as amended by Chapter 63-1581, Laws of Florida, Special Acts of 1963, and Chapter 69-1283, Laws of Florida, Special Acts of 1969, providing for the establishment and maintenance of a Legal Aid Office in Manatee County, Florida; designating the Manatee County Bar Association, Inc., a non-profit Florida corporation, to receive County funds; providing for the manner of raising funds and expenditure of such funds for legal aid services; declaring the legal aid program to be a County purpose; prescribing an annual audit of the Manatee County Legal Aid Fund; and providing for an effective date.

Proof of Publication attached.

By Representative Whitson and others—

HB 4427—A bill to be entitled An act relating to Pinellas County; providing that persons who seek redress in court for the unlawful or unconstitutional infringement of their property rights by any local governing body located in Pinellas County shall be entitled to compensatory damages and attorney's fees under certain circumstances; providing that, if the governing body in Pinellas County takes proper action within a certain period of time, no damages or fees may be recovered; providing that, if the court finds that any individual officer or official acted willfully and with knowledge of certain conditions, the court may order said officer or official to reimburse the governmental body for certain losses; providing for a referendum.

By Representative Whitson and others—

HB 4428—A bill to be entitled An act relating to the City of Clearwater, Pinellas County; providing for the recording of maps or plats of lands in the city after approval by the city; 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 4430 and HB 4428.

House Bills 4430, 4427, and 4428, contained in the above message, were read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Sir:

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

By Representatives Rish and Chapman—

HB 4387—A bill to be entitled An act relating to the Town of Mexico Beach, Bay County; amending §§16, 36 and 40 of chapter 67-1717, Laws of Florida; providing that candidates for the town council or mayor-councilman may file on or before thirty (30) days prior to the election; providing that ad valorem taxes shall not be levied without a referendum and in no case in excess of three (3) mills; providing for the waiver of competitive bid procedures in the event of an emergency; providing for a referendum.

By Representative J. W. Robinson and others—

HB 4388—A bill to be entitled An act relating to Brevard County, government study commission; amending §§4 and 5 of chapter 70-607, Laws of Florida; extending the life of the commission by three (3) months; clarifying funding and assistance provisions; 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 4388.

House Bills 4387 and 4388, contained in the above message, were read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Sir:

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

By Representative Ryals and others—

HB 4321—A bill to be entitled An act relating to Hillsborough County; creating within said county the Brandon planning and zoning authority; describing the area of jurisdiction of the authority; providing for the election of members of the authority and for their respective terms of office; providing for the election of a chairman and for periodic meetings; providing general powers and duties of the authority; providing that members shall serve without compensation; granting the authority certain specific authorities with respect to zoning and planning within the Brandon area; providing for the Hillsborough County planning commission to serve the authority in an advisory capacity; pro-

viding that such authority is a valid county purpose; providing appropriations to the authority from the county; providing that actions of the authority have effect of county law; providing for the adoption of certain zoning classifications as the initial regulation to be administered by the authority; providing that this act shall supersede conflicting provisions of chapter 133, Florida Statutes; providing for a referendum.

By Representative Lane and others—

HB 4322—A bill to be entitled An act relating to Hillsborough County; creating a special recreation district for the purpose of continued development, administration, and maintenance of properties for recreational and related activities for the unincorporated area known as Carrollwood Subdivision as set forth according to the public records of Hillsborough County; providing for the administration of the affairs of said district by a board of nine (9) trustees and defining their powers and duties; providing for the qualification of electors in the district and the manner of conducting the first election of board of trustees and for annual election of trustees thereafter; providing for removal of trustees and appointment to fill vacancies; providing for the assessment and collection of a recreation district tax assessed against each improved residential parcel of real property within the district; providing that such district tax shall be a lien against each parcel of land so assessed and for the method of collecting such tax; providing for the deposit and disbursement of funds of the district; establishing a fiscal year and providing for publication of annual financial statements; authorizing the trustees of the district to issue bonds and other obligations of the district and to secure the same by pledge of tax revenues and other property of the district; authorizing the trustees of the district to acquire and dispose of real and personal property for the general purposes of the district; authorizing the trustees of the district to promulgate rules and regulations for the use of facilities of the district; providing conditions precedent to the filing of suit against the district or any of the trustees thereof; relieving individual trustees from personal liability for obligations of the district; defining terms; providing for a special referendum within the district before this act may become effective; providing for audit of district funds; 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 4322.

House Bills 4321 and 4322, contained in the above message, were read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Sir:

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

By Representative Johnson and others—

HB 4385—A bill to be entitled An act relating to Sarasota County, Pinecraft Lighting District; amending subsections (2) and (3) of §3 of chapter 71-911, Laws of Florida, to provide for the election of the commissioners of the lighting district; providing an effective date.

Proof of Publication attached.

By Representative Johnson and others—

HB 4386—A bill to be entitled An act relating to Sarasota County, Pinecraft Fire Control District; amending subsections (2) and (3) of §3 of chapter 71-910, Laws of Florida, to provide for the election of the commissioners of the fire control district; providing an effective date.

Proof of Publication attached.

By Representative Johnson and others—

HB 4299—A bill to be entitled An act to provide for the adoption of a new charter for the City of Punta Gorda in Charlotte County, Florida; to define the territorial limits of said city; to prescribe the form of government for said city; to confer certain powers upon said municipality and its officers; to repeal chapter 63-1832, Laws of Florida, Special Acts of 1963, same being the former charter of the City of Punta Gorda, and all other laws and parts of laws in conflict with the provisions hereof; to provide for a referendum on this act and to provide for an effective date.

—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 4385 and 4386.

House Bills 4385, 4386 and 4299, contained in the above message, were read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

The Honorable Jerry Thomas
President of the Senate

March 29, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate amendment to—

By Representative Chapman—

HB 2682—A bill to be entitled An act relating to county judges' salaries, amending §44.12, Florida Statutes, to provide for an increase in the county judges' salary of Calhoun County; providing an effective date.

Senate Amendment—On page 2, line 33 strike "HIGHLANDS 19,000" and insert the following: HIGHLANDS 25,000

—and requests the Senate to recede therefrom—

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motion by Senator Barron, the Senate receded from the Senate amendment to HB 2682.

HB 2682 passed, and the action of the Senate was certified to the House. The vote was:

Yeas—39

- | | | | |
|----------|----------------|--------------|-------------|
| Arnold | Deeb | Karl | Poston |
| Barron | Ducker | Knopke | Reuter |
| Barrow | Fincher | Lane | Saunders |
| Beaufort | Graham | Lewis (33rd) | Stolzenburg |
| Bell | Gunter | Lewis (43rd) | Trask |
| Bishop | Haverfield | McClain | Ware |
| Boyd | Henderson | Myers | Weber |
| Peterson | Hollahan | Ott | Weissenborn |
| Broxson | Johnson (29th) | Plante | Wilson |
| Childers | Johnson (34th) | Pope | |

Nays—2

Gong Saylor

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

On motion by Senator Barrow, the Senate reconsidered the vote by which SB 487 was recommitted to the Committee on Judiciary—Criminal.

On motion by Senator Barrow, SB 487 was withdrawn from the Committee on Judiciary—Criminal by two-thirds vote.

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Sir:

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

By the Committee on Ways and Means—

CS for CS for SB 1071—A bill to be entitled An act relating to state retirement systems; merging chapter 123, Florida Statutes, commonly referred to as the judicial retirement system, into chapter 121, Florida Statutes, known as the Florida retirement system act; providing that any judicial officer taking office on or after July 1, 1972, shall not be eligible for membership in the judicial retirement system; providing that present members of the judicial retirement system may transfer to the Florida retirement system; providing that judicial members of the Florida retirement system are subject to article V of the state constitution; providing that the Florida retirement system assume the responsibilities for liability, administration and benefit payments of the judicial retirement system; providing for the transfer of all assets of the judicial retirement system to the Florida retirement system; establishing a new membership class within the Florida retirement system to be known as "elected state officers class"; providing compulsory participation in such class for certain state officers; providing for transfer to the new class, providing social security coverage; establishing contribution rates and procedures for determining normal retirement benefits and other benefits; providing for administration; providing an annual appropriation from the general revenue fund, the system trust fund and the social security trust fund for the purposes of this act; providing an effective date.

Amendment 1

On page 3, line 9, strike all after the enacting clause and insert the following:

Section 1. Merger of the judicial retirement system into the Florida retirement system act.—

(1) Any person who is elected or appointed to office in this state as supreme court justice, district court of appeal judge, or circuit judge on or after July 1, 1972, shall not be eligible for membership, rights, or any privileges under chapter 123, Florida Statutes, the judicial retirement system, unless such justice or judge is already a member of said retirement system when elected or appointed to such office.

(2) Chapter 123, Florida Statutes, the judicial retirement system, is hereby merged as a separate instrument appended to the "Florida retirement system act," chapter 121, Florida Statutes, and the administration of said chapter 123, the judicial retirement system, shall be merged into the administration of the Florida retirement system.

(3) The rights of members of the judicial retirement system established by chapter 123, Florida Statutes, shall not be impaired, nor shall their benefits be reduced by virtue of any provision of this act, or by any provision of the Florida retirement system act, except, that if a member of the judicial retirement system, if otherwise eligible, elects prior to June 30, 1973, to transfer to the Florida retirement system, he shall be transferred to the Florida retirement system and, from the date his transfer becomes effective, shall be subject to the provisions of the Florida retirement system established by chapter 121, Florida Statutes, together with any relevant provisions of this act and shall have his benefits calculated accordingly.

(4) Any member of the judicial retirement system who elects to transfer to the Florida retirement system and every supreme court justice, district court of appeal judge, or circuit judge who is elected or appointed to judicial office on or after July 1, 1972, who is not already a member of the judicial retirement system when elected or appointed to such office shall be subject to the provision of chapter 121, Florida Statutes, and of this act which are not in conflict or inconsistent with the provisions of Article V of the State Constitution, and any retired member on temporary judicial assignment shall continue to receive his retirement benefits and such other compensation as may be authorized by §25.073, Florida Statutes, and Article V of the State Constitution.

(5) (a) Effective July 1, 1972, the judicial retirement system established by chapter 123, Florida Statutes, shall be merged into the Florida retirement system act, chapter 121, Florida Statutes, and the Florida retirement system shall assume:

1. All liabilities related to the payment of benefits to members and their beneficiaries; and

2. The administration and payment of benefits now accrued or which may accrue in the future for the benefit of members, beneficiaries and survivors, and

3. All obligations in regard to funding including any actuarial deficit which now or may hereafter exist in the judicial retirement system.

(b) To effectuate the merger required by this act, the director of the division of personnel and retirement, as administrator of the retirement systems hereby merged, shall as of July 1, 1972, cause to be transferred to the the Florida retirement system all assets, including money, securities and other property held for the judicial retirement system, as well as all liabilities and obligations of said system. Upon such transfer of assets, liabilities, and obligations, the administrator shall become the trustee of any trust fund or funds transferred to the Florida retirement system.

Section 2. Membership class of certain elected state officers.—

(1) (a) There is hereby established a separate class of members within the Florida retirement system, established by chapter 121, Florida Statutes, to be known and cited as "elected state officers class."

(b) Participation in the elected state officers class shall be compulsory for any governor, lieutenant governor, cabinet officer, legislator, supreme court justice, district court of appeal judge, circuit judge, or public service commissioner assuming office, either by election or appointment, on or after July 1, 1972, who is not already a member of any existing system, the judicial retirement system, or the regular or special risk classes of the Florida retirement system when elected or appointed to such office.

(c) On and after July 1, 1972, participation in the elected state officers class shall be optional within the time provided herein for any governor, lieutenant governor, cabinet officer, legislator, supreme court justice, district court of appeal judge, circuit judge, or public service commissioner who is already a member of any existing system, the judicial retirement system, or the regular or special risk classes of the Florida retirement system when elected or appointed to such office. Any such officer may, upon application to the administrator of the Florida retirement system within one year from the date he first becomes eligible to be a member of the elected state officers class by virtue of the office he holds, transfer to and participate in the elected state officers class, subject to the following provisions:

1. He shall transfer and carry with him such retirement credit as he has accumulated in the retirement system or class within the Florida retirement system from which he transfers; and

2. He may purchase additional retirement credit in the elected state officers class for all creditable service as an officer within the purview of this class which service he has accumulated in the retirement system or class within the Florida retirement system from which he transfers upon the payment into the system trust fund of a sum equal to the difference between eight percent of the gross salary he received for the period of his tenure in the office (or eight percent of one thousand dollars per month whichever is greater) for which he seeks additional retirement credit and the actual amount of his retirement contributions for such period based on such salary, plus interest thereon at the rate of four percent per annum compounded annually from the date of such service until paid. An amount equal to the member's contributions and interest payments shall be paid to the system trust fund from the general revenue fund.

(2) Members of the elected state officers class shall be subject to social security coverage as provided by the federal social security act. The administrator shall make such modification to the agreement between the state and the federal social security administrator (made pursuant to the provisions

of chapter 650, Florida Statutes), hold any referendum or take any other action as may be required to provide social security coverage for said members.

(3)(a) The definitions set forth in §121.021, Florida Statutes, and all other provisions of chapter 121, Florida Statutes, shall apply to the elected state officers class, except where the definitions and provisions are in conflict with or are superseded or modified by the provisions of this act.

(b) A member of the elected state officers class shall have the same normal retirement date as defined in §121.021(29), Florida Statutes, for a regular member of the Florida retirement system, except that only eight years of creditable service in this class shall be needed to attain the normal retirement date specified in §121.021(29)(a).

(c) The average final compensation of a member of the elected state officers class shall be as defined in §121.021(24), Florida Statutes, or the average annual compensation of the five best of the last eight years of service if the member has less than ten years of creditable service at the time of retirement, termination, or death.

(4)(a) From and after July 1, 1972, the employer paying the salary of a member of the elected state officers class shall withhold eight percent of his gross salary, which shall constitute the contribution of said member with respect to retirement and other benefits payable to members of this class, and one half of the entire contribution of the member required for social security coverage. The employer withholding such contributions shall set aside the funds necessary to pay the matching contributions required pursuant to §121.061, Florida Statutes, and shall remit, without delay, such matching funds and member contributions to the administrator of the Florida retirement system.

(b) Elected state officers class members' contributions and matching contributions received from state employers shall be deposited by the administrator in the system trust fund and social security trust fund of the Florida retirement system.

(5)(a) A member of the elected state officers class who is a judicial officer shall receive retirement credit of three and one third percent of average final compensation and all other members shall receive retirement credit of three percent of average final compensation for each year that he contributes eight percent of gross salary together with any interest thereon as may be required by this act.

(b) Upon attaining his normal retirement date, a member of the elected state officers class, upon application to the administrator, shall receive a monthly benefit which shall commence on the last day of the month of retirement and be payable on the last day of each month thereafter during his lifetime. The amount of such monthly benefit shall be the total percentage of retirement credit received by the member multiplied by his average monthly compensation but in no event shall such benefit exceed the member's average final compensation. The total percentage of retirement credit received by a member shall be the sum of the retirement credit he earns as a member of the state elected officers class and in each category of employment together with any retirement credit he acquires for wartime military service.

(c) The benefit provisions of subsections (2), (3), (4), (5), (6), (7), (8), and (9) of §121.091, Florida Statutes, as they relate respectively to benefits payable for dual normal retirement ages, early retirement, disability retirement, termination of employment, optional forms of retirement, death benefits, designations of beneficiaries, and employment after retirement shall also apply to members of the elected state officers class, except that only eight years of creditable service in this class shall be needed to attain the benefits specified in subsections (3), (5) and (7) of such section. The provisions of all subsections referred to in this paragraph shall be construed in such manner to make them compatible with the provisions of this act.

(d) The provisions of §§121.101 and 121.111, Florida Statutes, respectively, relating to the cost-of-living adjustment of retirement benefits and retirement credit for wartime military service, shall apply to members of the elected state officers class. Creditable service for actual wartime service as authorized by §121.111(2), not exceeding four (4) years, shall be acquired and paid for as provided in said subsection. Upon payment by the member of four percent of gross salary plus

accrued interest, retirement credit shall be granted at the rate of one and six tenths percent (1 6/10%) for each year of creditable service acquired under said subsection.

(6)(a) Any member of the elected state officers class who ceases to fill an office covered by this class and who is employed in a position covered by the Florida retirement system may receive credit in the Florida retirement system for any retirement credit which he earned under this class and such credit shall be granted at the rate of three and one third percent for service as a judicial officer or at the rate of three percent credit if his service was in a nonjudicial office, for each year for which he contributed eight percent of his gross salary to the system trust fund.

(b) Any member of the elected state officers class who leaves office or otherwise terminates his membership in the retirement system for any reason other than death or retirement and who does not come under the provisions of paragraph (a) shall be subject to the termination benefit provisions of §121.091(5), Florida Statutes.

(7) The administrator shall make such rules and regulations as are necessary for the effective and efficient administration of the elected state officers class.

Section 3. Subsections (3) and (5) of section 20.31, Florida Statutes, are amended, and subsection (6) is added to said section to read:

20.31 Department of administration.—There is created a department of administration.

(3) The following divisions, and bureaus within these divisions, of the department of administration are established:

(a) Division of planning and budgeting;

1. Bureau of planning;

2. Bureau of budgeting;

(b) Division of personnel and retirement, and

(c) Division of retirement; and

(d) ~~(e)~~ Division of management improvement.

(5) Division of personnel and retirement.

(a) The state personnel board, created under chapter 110, is transferred to the department of administration by a type three transfer, and its functions shall be assigned to the division of personnel and retirement.

~~(b) All powers, duties, and functions relating to retirement and pensions of all retirement pension systems of the state and any political subdivision or branch thereof, as prescribed by chapter 112 (public officers and employees, general provisions), chapter 122 (state and county retirement system), chapter 123 (supreme court justices, district courts of appeal judges and circuit judges retirement systems), chapter 238 (retirement system for school teachers), chapter 321 (highway patrol), and chapter 650 (social security for public employees) are transferred to the department of administration by a type four transfer and shall be assigned to the division of personnel and retirement.~~

~~(c) The state board of pensions, as prescribed in chapter 201, is transferred to the department of administration by a type three transfer, and its functions shall be assigned to the division of personnel and retirement.~~

(b) ~~(d)~~ The career service council, created under §110.041 is renamed the career service commission and continues within the department of administration.

1. The powers, duties, and functions of the state personnel board, set forth in §110.061, are transferred by a type four transfer to the career service commission and the exercise by the commission of such powers, duties, and functions shall be reviewable only by the judiciary on the grounds that:

a. The commission did not afford a fair and equitable hearing;

b. The decision of the commission was not in accordance with existing statutes or rules and regulations promulgated thereunder; or

c. The decision of the commission was not based on substantial evidence.

2. The powers, duties, and functions of the state personnel board to make rules as set forth in §110.021, are transferred by a type four transfer to the department; except that, all rules and regulations recommended by the career service commission in accordance with §110.041(2)(e), shall be approved, amended, or rejected by the administration commission.

(6) *Division of retirement.*

(a) All powers, duties, and functions relating to retirement and pensions of all retirement and pension systems of the state and any political subdivision or branch thereof, as prescribed by chapter 112 (public officers and employees, general provisions), chapter 122 (state and county retirement system), chapter 123 (supreme court justices, district courts of appeal judges and circuit judges retirement systems), chapter 238 (retirement system for school teachers), chapter 321 (highway patrol), and chapter 650 (social security for public employees) are transferred to the department of administration by a type four (4) transfer and shall be assigned to the division of retirement.

(b) The state board of pensions, as prescribed in chapter 291, is transferred to the department of administration by a type three (3) transfer, and its functions shall be assigned to the division of retirement.

(c) All powers, duties, and functions related to the administration of the retirement provision for members of the Florida National Guard set forth in §250.22 are transferred to the department of administration by a type four (4) transfer and shall be assigned to the division of retirement.

(d) All powers, duties, and functions related to the administration of §§231.50—231.53 authorizing the payment of pensions to certain disabled teachers or their widows are transferred to the department of administration by a type four (4) transfer and shall be assigned to the division of retirement.

(e) All powers, duties, and functions related to the administration of laws providing special pensions to individuals, including chapter 18054, Laws of Florida, 1937; chapter 26738, Laws of Florida, 1951, as amended by chapter 57-871, Laws of Florida; chapter 26836, Laws of Florida, 1951; and chapter 63-953, Laws of Florida, are transferred to the department of administration by a type four (4) transfer and shall be assigned to the division of retirement. All laws hereinafter enacted by the legislature pertaining to special pensions for individuals shall be administered by said division, unless contrary provisions are contained in such law.

(f) Beginning February 1, 1973, and prior to February 1 each year thereafter, the chairman or secretary of the board of trustees of each municipal or local retirement system or other person charged with the administration of such retirement system shall file a report with the division of retirement containing such information as the director may require. A copy of each actuarial survey made of such local retirement system shall also be filed with the division.

(g) The division of retirement shall make a survey, which shall be updated annually, of the retirement provisions and financial condition of the locally administered retirement systems operated by the political subdivisions of the state.

(h) The department of administration through its division of retirement shall make to each regular session of the legislature a written report on the operation and condition of the state administered retirement systems together with current information concerning the locally administered retirement systems.

Section 4. There is hereby annually appropriated from the general revenue fund, the system trust fund and the social security trust fund sufficient amounts to make such payments as are provided by this act.

Section 5. This act shall take effect July 1, 1972.

Amendment 2

Strike the entire title and insert the following:

An act relating to retirement; merging chapter 123, Florida Statutes, commonly referred to as the judicial retirement system, into chapter 121, Florida Statutes, known as the Florida retirement system act; providing that any judicial officer taking office on or after July 1, 1972, shall not be eligible for membership in the judicial retirement system; providing that present members of the judicial retirement system may transfer to the Florida retirement system; providing that judicial members of the Florida retirement system are subject to Article V of the State Constitution; providing that the Flor-

ida retirement system assume the responsibilities for liability, administration and benefit payments of the judicial retirement system; providing for the transfer of all assets of the judicial retirement system to the Florida retirement system; establishing a new membership class within the Florida retirement system to be known as "elected state officers class"; providing compulsory participation in such class for certain state officers; providing for transfer to the new class; providing social security coverage; establishing contribution rates and procedures for determining normal retirement benefits and other benefits; providing for administration; amending §20.31(3) and (5), Florida Statutes, and adding subsection (6) thereto; eliminating the division of personnel and retirement and establishing a division of personnel and a division of retirement; allocating the existing duties of the division of personnel and retirement between the division of personnel and the division of retirement; transferring to the division of retirement the powers, duties and functions related to the following: administration of the retirement provisions for the Florida National Guard (§250.-22, Florida Statutes), administration of the laws providing pensions to certain disabled school teachers (§§231.50-231.53, Florida Statutes), and administration of all laws granting special pensions to individuals; requiring the trustees or administrator of all local retirement systems to file annual reports with the division of retirement; requiring said division to make a survey of all local retirement systems and to make written reports to each regular session of the legislature; providing an annual appropriation from the general revenue fund, the system trust fund and the social security trust fund for the purposes of this act; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Senator Barrow moved the adoption of the following amendment to House amendment 1 to CS for CS for SB 1071 which failed:

Amendment 1—On page 4, lines 3 and 15 between "Circuit Judge" and ", or" insert: State Attorney

On motion by Senator Sayler, the Senate concurred in House amendments 1 and 2 to CS for CS for SB 1071.

CS for CS for SB 1071 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—35

Mr. President	Daniel	Johnson (29th)	Reuter
Barrow	Deeb	Johnson (34th)	Sayler
Bell	Ducker	Knopke	Scarborough
Bishop	Gong	Lane	Stolzenburg
Boyd	Graham	Lewis (33rd)	Ware
Peterson	Haverfield	Lewis (43rd)	Weber
Brantley	Henderson	Ott	Weissenborn
Broxson	Hollahan	Plante	Wilson
Childers	Horne	Poston	

Nays—None

By unanimous consent, Senators Arnold, Beaufort and Karl were recorded as voting yea; Senator Broxson changed his vote from yea to nay.

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has adopted SCR 175.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

HB 4449	HB 3837	HB 3989
HB 4450	HB 4338	HB 4418
HB 4451	HB 4385	HB 4472
HB 4274	HB 4386	HB 3837
HB 4443	HB 4356	HB 3989
HB 4444	HB 4347	HB 4415
HB 4108	HB 4439	HB 4442

Sir:

I am directed to inform the Senate that the House of Representatives has passed SB 365.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bills contained in the above messages were ordered enrolled.

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

On motion by Senator Barron, Rule 4.14 requiring 15 minutes' notice was waived and unanimous consent was obtained to take up CS for HB 3954 out of order.

On motions by Senator Barron, by two-thirds vote, CS for HB 3954 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Sir:

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

CS for HB 2640 HB 4352

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Yeas—44

Mr. President	Deeb	Johnson (29th)	Pope
Arnold	de la Parte	Johnson (34th)	Poston
Barron	Ducker	Karl	Reuter
Barrow	Fincher	Knopke	Saylor
Beaufort	Gong	Lane	Scarborough
Bell	Graham	Lewis (33rd)	Trask
Bishop	Gunter	Lewis (43rd)	Ware
Boyd	Haverfield	McClain	Weber
Peterson	Henderson	Myers	Weissenborn
Brantley	Hollahan	Ott	Williams
Childers	Horne	Plante	Wilson

The Honorable Jerry Thomas
President of the Senate

March 30, 1972

Nays—1

Broxson

Sir:

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

By unanimous consent Senator Daniel was recorded as voting yea.

By the Committee on Judiciary and Representative Harris—

CS for HB 3954—A bill to be entitled An Act relating to platted streets; providing for determination of ownership of such streets if abandoned; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

UNFINISHED BUSINESS

HB 3266—A bill to be entitled An act relating to workmen's compensation; amending paragraphs (b) and (c) (as amended by chapter 71-80, Laws of Florida) of subsection (1) of §440.02, Florida Statutes, to include "officers elected at the polls" within the term "employment" for the purposes of workmen's compensation coverage; providing an effective date.

—was taken up with pending amendment which was withdrawn.

CS for HB 3954, contained in the above message, was read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

On motion by Senator Horne the following amendment was adopted:

Amendment 1—On page 3, line 4 insert a new Section 2 and renumber subsequent section accordingly.

On motion by Senator Barron, CS for HB 3954 was withdrawn from the Committee on Rules, Calendar, Privileged Business and Ethics by two-thirds vote and placed on the calendar.

Section 2. Subsection (3) of section 440.56, Florida Statutes, is amended to read:

By permission the following report was received:

440.56 Safety rules and provisions; penalty.—

The Committee on Rules, Calendar, Privileged Business and Ethics referred the following local bills to the local calendar:

HB 3976	HB 4445	HB 3860
HB 4273	HB 4399	HB 3979
HB 4369	HB 4448	HB 4299
SB 1311	HB 4459	HB 4321
HB 4453	HB 4398	HB 4322
HB 4461	HB 4394	HB 4343
HB 4414	HB 4454	HB 4355
HB 4426	HB 3903	HB 4370
CS for HB 4236	HB 4457	HB 4373
HB 4374	SB 1307	HB 4387
HB 3269	HB 4391	HB 4388
HB 4422	HB 4258	HB 4396
HB 4412	HB 3384	HB 4406
HB 4389	HB 3499	HB 4344
HB 4413	HB 3500	HB 4395
HB 4438	HB 3574	HB 4430
HB 4464	HB 3703	HB 4427
HB 4441	HB 3835	HB 4428

(3) Before any such rule or requirement is adopted, amended or repealed, a public hearing shall be held and not less than ten days before the hearing a notice thereof shall be published in such newspapers as the commission may prescribe. Such rule, amendment or repeal shall be promptly published in such manner as the commission may prescribe and shall take effect thirty days after such publication; provided, however, no public hearing shall be required as a prerequisite to the filing of a non-discretionary rule or requirement when the division is required to adopt, amend or repeal any rule or requirement pursuant to a federal concensus standard or other mandate from the United States secretary of labor which is binding upon the state under Public Law 91-596, which is the occupational safety and health act of 1970.

On motion by Senator Horne the following title amendment was adopted:

Amendment 2—On page 1, line 11 after the semi-colon (;) insert the following: amending section 440.56 (3), Florida Statutes, providing that a public hearing shall not be required when the division is required to adopt, amend or repeal rules or requirements pursuant to Public Law 91-596;

On motion by Senator Horne, HB 3266 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

Mr. President	Deeb	Johnson (29th)	Poston
Arnold	Ducker	Johnson (34th)	Reuter
Barron	Fincher	Knopke	Sayler
Barrow	Gong	Lane	Scarborough
Beaufort	Graham	Lewis (33rd)	Trask
Bell	Gunter	Lewis (43rd)	Ware
Boyd	Haverfield	McClain	Wilson
Brantley	Henderson	Myers	
Broxson	Hollahan	Ott	
Childers	Horne	Plante	

Nays—1

Bishop

By unanimous consent Senators Daniel and Williams were recorded as voting yea.

SPECIAL ORDER

Consideration of HB 3910 was deferred.

HB 3274—A bill to be entitled An act relating to taxation of motor fuels; providing that any county may, in the discretion of its governing body, and subject to a referendum, impose in addition to all other taxes required by law a one cent (1¢) tax upon every gallon of motor fuel and special fuel sold in such county for the purpose of paying the costs and expenses of establishing, operating and maintaining a transportation system; providing that such tax shall be collected in the same manner as all other gas taxes and returned to the county where collected; providing for distribution of said tax; providing the expenditure of county funds for transportation service to be a county purpose; providing an effective date.

—was read the second time by title.

On motion by Senator Bishop the following amendment was adopted:

Amendment 1—On page 3, line 12, strike after the word “collected” and insert: The provisions of 206.29, 206.50, 206.625, 206.64 shall be applicable to the tax herein levied.

Senator Barrow moved the adoption of the following amendment which failed:

Amendment 2—On page 3, line 14 after the period (.) insert the following: Common carriers who are duly licensed by the Florida Public Service Commission have the right to pay the tax only on the fuel used in the county; however, the carrier must maintain adequate records of vehicle consumption of fuel as related to miles traveled in the county, the miles shown by such records may be used for computing the exemption on a mileage basis.

On motion by Senator Williams the following amendment was adopted:

Amendment 3—On page 3, line 25 after the period (.) insert the following: Counties are authorized to expend the funds received under this act in conjunction with the state or federal government in joint projects.

Senator Williams moved the adoption of the following amendment which failed:

Amendment 4—On page 3, line 5 strike “referendum,” and insert: referendum, to be held at a general election,

On motion by Senator Hollahan, by two-thirds vote HB 3274 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—24

Beaufort	Fincher	Johnson (34th)	Poston
Bell	Gong	Knopke	Reuter
Peterson	Graham	Lewis (33rd)	Sayler
Deeb	Haverfield	Lewis (43rd)	Ware
de la Parte	Henderson	McClain	Weissenborn
Ducker	Hollahan	Myers	Wilson

Nays—19

Mr. President	Boyd	Johnson (29th)	Saunders
Arnold	Brantley	Karl	Scarborough
Barron	Childers	Lane	Stolzenburg
Barrow	Daniel	Ott	Williams
Bishop	Horne	Pope	

By unanimous consent Senator Gunter was recorded as voting yea.

HB 3918—A bill to be entitled An act relating to the Florida parole and probation commission; amending section 947.13, Florida Statutes; authorizing the commission to enter into cooperative agreements with the federal government or any county or municipality in this state, or any department or agency thereof, or any non-profit charitable corporation or foundation, concerning the evaluation and rehabilitation of persons who are probationers or parolees or are under pre-sentence investigation; and providing an effective date.

—was read the second time by title. On motion by Senator de la Parte, by two-thirds vote HB 3918 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

Mr. President	Deeb	Karl	Reuter
Arnold	de la Parte	Knopke	Sayler
Barrow	Ducker	Lane	Stolzenburg
Beaufort	Graham	Lewis (33rd)	Trask
Bell	Gunter	Lewis (43rd)	Ware
Boyd	Haverfield	Ott	Weber
Peterson	Hollahan	Plante	Wilson
Broxson	Horne	Pope	
Childers	Johnson (29th)	Poston	

Nays—2

Gong Weissenborn

By unanimous consent Senators Daniel, Johnson (34th), Henderson and McClain were recorded as voting yea.

Consideration of HB 4323, CS for HB 3801, HB 3202, HB 3981, CS for HB 4030, CS for HB 4060 and HB 3267 was deferred.

CS for HB 2875—A bill to be entitled An act relating to copyrighted compositions; amending §543.28(2), Florida Statutes, and creating §543.36, Florida Statutes, to set up additional procedures relating to examination and audit of books and records by the department of banking and finance; excepting certain owners of copyrighted musical works who are governed by certain consensual arrangements from all sections of the chapter, other than §543.28 requiring payment of the 3% gross receipts tax; providing an effective date.

—was read the second time by title. On motion by Senator Karl, by two-thirds vote CS for HB 2875 was read the third time by title, passed and certified to the House. The vote was:

Yeas—42

Mr. President	Gong	Lane	Sayler
Barrow	Graham	Lewis (33rd)	Scarborough
Bell	Gunter	Lewis (43rd)	Stolzenburg
Bishop	Haverfield	McClain	Trask
Peterson	Henderson	Myers	Ware
Brantley	Hollahan	Ott	Weber
Broxson	Horne	Plante	Weissenborn
Childers	Johnson (29th)	Pope	Williams
Deeb	Johnson (34th)	Poston	Wilson
Ducker	Karl	Reuter	
Fincher	Knopke	Saunders	

Nays—None

By unanimous consent Senators Daniel, Boyd, Beaufort and Arnold were recorded as voting yea.

Consideration of CS for HB 2976 and HB 3774 was deferred.

HB 3776—A bill to be entitled An act relating to homicide; amending chapter 782, Florida Statutes, by repealing §§782.06, 782.12, 782.13, 782.14, 782.15, and 782.16, Florida Statutes, as amended by chapter 71-136, Laws of Florida, and §782.17, Florida Statutes; relating to killing by interfering with railway trains, aircraft, killing by mischievous animal, drowning in overloaded vessel, death from racing steamboat, killing by intoxicated physician, concealing death of bastard child, indictment and verdict; providing an effective date.

—was read the second time by title. On motion by Senator Wilson, by two-thirds vote HB 3776 was read the third time by title, passed and certified to the House. The vote was:

Yeas—43

Mr. President	Childers	Johnson (29th)	Saunders
Arnold	Deeb	Karl	Sayler
Barron	Ducker	Knopke	Scarborough
Barrow	Fincher	Lane	Stolzenburg
Beaufort	Gong	Lewis (33rd)	Trask
Bell	Graham	Lewis (43rd)	Ware
Bishop	Gunter	McClain	Weber
Boyd	Haverfield	Plante	Weissenborn
Peterson	Henderson	Pope	Williams
Brantley	Hollahan	Poston	Wilson
Broxson	Horne	Reuter	

Nays—None

HB 3777—A bill to be entitled An act relating to crimes; repealing obsolete and repetitious statutes; repealing §§783.01, 783.02 and 783.03, Florida Statutes, relating to dueling; repealing §784.01, Florida Statutes, relating to mayhem; repealing §§785.01, 785.02, 785.03 and 785.04, Florida Statutes, relating to fighting and marathons; repealing §§795.01, 795.02 and 795.03, Florida Statutes, relating to enticing away unmarried women; repealing §§812.01, 812.02, 812.03, 812.04, 812.05, 812.06, 812.07, 812.08, 812.09, 812.10, 812.11 and 812.12, Florida Statutes, relating to embezzlement; repealing §833.01, Florida Statutes, relating to conspiracy; repealing §§862.01, 862.02 and 862.03, Florida Statutes, relating to offenses concerning seamen; providing an effective date.

—was read the second time by title.

The Committee on Judiciary—Criminal offered the following amendment which was adopted on motion by Senator Barrow:

Amendment 1—On page 2, lines 25—28 strike all of lines 25 through and including line 28 and insert: §§812.06, 812.08, 812.09, and 812.11, Florida Statutes, as amended by chapter 71-136, Laws of Florida, are repealed.

The Committee on Judiciary-Criminal offered the following title amendment which was adopted on motion by Senator Barrow:

Amendment 2—On page 1, line 17 in title strike all of line 17 insert the following: and 812.11, Florida Statutes,

On motion by Senator Barrow, by two-thirds vote HB 3777 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—42

Mr. President	Deeb	Johnson (34th)	Reuter
Arnold	Ducker	Karl	Saunders
Barrow	Fincher	Knopke	Sayler
Beaufort	Gong	Lane	Scarborough
Bell	Graham	Lewis (33rd)	Trask
Bishop	Gunter	Lewis (43rd)	Ware
Boyd	Haverfield	McClain	Weber
Peterson	Henderson	Myers	Weissenborn
Brantley	Hollahan	Ott	Wilson
Broxson	Horne	Plante	
Childers	Johnson (29th)	Poston	

Nays—None

By unanimous consent, Senator Barron was recorded as voting yea; Senators Daniel and Stolzenburg, nay; Senators McClain, Ducker and Johnson (29th) changed their votes from yea to nay.

Senator McClain moved that the Senate reconsider the vote by which HB 3776 passed this day. The motion failed by the following vote:

Yeas—15

Bell	Gunter	Lane	Sayler
Childers	Hollahan	McClain	Ware
de la Parte	Horne	Pope	Weissenborn
Ducker	Knopke	Saunders	

Nays—24

Barrow	Gong	Lewis (33rd)	Reuter
Bishop	Graham	Lewis (43rd)	Scarborough
Boyd	Henderson	Myers	Stolzenburg
Peterson	Johnson (29th)	Ott	Trask
Broxson	Johnson (34th)	Plante	Weber
Daniel	Karl	Poston	Wilson

HB 3304—A bill to be entitled An act relating to criminal penalties; amending §776.04, Florida Statutes, as amended by chapter 71-136, Laws of Florida, reducing the penalty for an attempt to commit a misdemeanor; amending §833.05, Florida Statutes, as amended by chapter 71-136, Laws of Florida, reducing the penalty for conspiracy to commit a misdemeanor; providing an effective date.

—was read the second time by title. On motion by Senator Barrow, by two-thirds vote HB 3304 was read the third time by title, passed and certified to the House. The vote was:

Yeas—42

Mr. President	Ducker	Karl	Sayler
Arnold	Fincher	Knopke	Scarborough
Barrow	Gong	Lane	Stolzenburg
Beaufort	Graham	Lewis (33rd)	Trask
Bell	Gunter	Lewis (43rd)	Ware
Boyd	Haverfield	Myers	Weber
Peterson	Henderson	Ott	Weissenborn
Broxson	Hollahan	Plante	Williams
Childers	Horne	Poston	Wilson
Deeb	Johnson (29th)	Reuter	
de la Parte	Johnson (34th)	Saunders	

Nays—1

McClain

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

HB 3303—A bill to be entitled An act relating to release of traffic violator on recognizance or bond; amending §30.56, Florida Statutes, as amended by chapter 71-136, Laws of Florida, providing that the penalty for failure to appear or respond to a traffic summons is a misdemeanor of the second degree; providing an effective date.

—was read the second time by title. On motion by Senator Barrow, by two-thirds vote HB 3303 was read the third time by title, passed and certified to the House. The vote was:

Yeas—41

Mr. President	de la Parte	Karl	Saunders
Arnold	Ducker	Knopke	Sayler
Barrow	Fincher	Lane	Scarborough
Beaufort	Gong	Lewis (33rd)	Stolzenburg
Bell	Gunter	Lewis (43rd)	Trask
Bishop	Haverfield	McClain	Ware
Boyd	Henderson	Myers	Weber
Peterson	Hollahan	Ott	Weissenborn
Brantley	Horne	Plante	
Daniel	Johnson (29th)	Poston	
Deeb	Johnson (34th)	Reuter	

Nays—None

By unanimous consent Senators Barron, Childers, Graham and Williams were recorded as voting yea.

CS for HB 1611—A bill to be entitled An act relating to forgery and counterfeiting; amending section 831.30, Florida Statutes, as created by chapter 71-331, Laws of Florida; redefining the crime of forging prescriptions for medicinal drugs; providing exceptions; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Barrow, by two-thirds vote CS for HB 1611 was read the third time by title, passed and certified to the House. The vote was:

Yeas—42

Mr. President	Daniel	Johnson (29th)	Poston
Arnold	Deeb	Johnson (34th)	Reuter
Barron	de la Parte	Karl	Saunders
Barrow	Ducker	Knopke	Sayler
Beaufort	Gong	Lane	Scarborough
Bell	Graham	Lewis (33rd)	Stolzenburg
Boyd	Gunter	Lewis (43rd)	Ware
Peterson	Haverfield	Myers	Weber
Brantley	Henderson	Ott	Weissenborn
Broxson	Hollahan	Plante	
Childers	Horne	Pope	

Nays—None

By unanimous consent Senator Trask was recorded as voting yea.

Senator Karl presiding.

HB 702—A bill to be entitled An act relating to drivers' licenses; amending section 322.142(1), (2), Florida Statutes; requiring the department of highway safety and motor vehicles to issue licenses bearing a full-face photograph of the licensee; providing for the maintenance of a film negative file by the department; providing an effective date.

—was read the second time by title.

Senators Horne and Poston offered the following amendment which was moved by Senator Horne:

Amendment 1—On page 2, line 3 strike all of Section 2. and renumber remaining section.

On motion by Senator Poston the following substitute amendment was adopted:

Amendment 2—On page 2, line 4 following the word "negative" insert: or print

On motion by Senator Poston the following amendment was adopted:

Amendment 3—On page 1, line 10 following the word "negative" insert: or print

On motion by Senator Poston, by two-thirds vote HB 702 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—22

Barron	Gong	Karl	Stolzenburg
Beaufort	Graham	Knopke	Trask
Bell	Henderson	Lane	Weber
Peterson	Hollahan	McClain	Wilson
Broxson	Horne	Myers	
Deeb	Johnson (34th)	Poston	

Nays—18

Mr. President	Childers	Lewis (33rd)	Scarborough
Arnold	Daniel	Lewis (43rd)	Ware
Barrow	Ducker	Ott	Williams
Bishop	Gunter	Plante	
Boyd	Haverfield	Pope	

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

CS for HB 2976—A bill to be entitled An act relating to education; providing a maximum ratio of pupils to qualified teach-

ers in kindergarten through grade three of 26 pupils in current daily membership in 1972, of 24 pupils in 1973, of 22 pupils in 1974, and of 20 pupils in 1975; allowing a maximum pupil-teacher ratio of 34 pupils in current daily membership in 1972 when a teacher aide is employed in addition to a qualified teacher; a ratio of 32 pupils when a teacher aide is used in 1973, of 30 pupils in 1974, and of 28 pupils in 1975; requiring district superintendents to supply certain information relating to compliance with this act; providing an effective date.

—was read the second time by title.

On motion by Senator Broxson the following amendment was adopted:

Amendment 1—On page 1, line 26 strike everything after the enacting clause and insert: Section 1. Paragraph (e) of subsection (2) of section 236.04, Florida Statutes, is amended to read:

236.04 Procedure for determining number of instruction units.—The number of instruction units for instructional personnel for elementary, junior and senior or four-year high schools in each district, and for kindergartens in districts which meet the requirements of law for instruction for such groups, shall be determined from the average daily attendance in the public schools of the district for the preceding year and from reports on instructional personnel and full-time equivalent students for the ensuing year in the manner prescribed below, provided the attendance of students may not be counted more than once in determining instruction units.

(2) UNITS FOR OTHER ELEMENTARY, JUNIOR, SENIOR, OR FOUR-YEAR HIGH SCHOOLS.—Instruction units shall be computed as prescribed below for all other elementary, junior, senior or four-year high schools:

(e) The state board of education shall adopt appropriate regulations to insure that units allocated on the basis of average daily attendance in *kindergarten through the third first* grade classes shall be used *insofar as practicable* for instruction in the *kindergarten through the third first* grade.

Section 2. The reports of each district superintendent shall contain sufficient information for the commissioner of education to ascertain that district's compliance or non-compliance with the provisions of this act.

Section 3. This act shall take effect July 1, 1973.

On motion by Senator Broxson the following title amendment was adopted:

Amendment 2—On page 1, line 3 strike the title and insert: An act relating to schools; amending section 236.04(2)(e), Florida Statutes, to provide that the instruction units allocated on the basis of average daily attendance in kindergarten through the third grade classes shall be used for instruction in those grades; requiring district superintendents to supply certain information relating to compliance with this act; providing an effective date.

On motion by Senator Broxson, by two-thirds vote CS for HB 2976 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—44

Arnold	Daniel	Horne	Pope
Barron	Deeb	Johnson (29th)	Poston
Barrow	de la Parte	Johnson (34th)	Reuter
Beaufort	Ducker	Karl	Sayler
Bell	Fincher	Knopke	Scarborough
Bishop	Gong	Lane	Stolzenburg
Boyd	Graham	Lewis (33rd)	Trask
Peterson	Gunter	Lewis (43rd)	Ware
Brantley	Haverfield	Myers	Weber
Broxson	Henderson	Ott	Weissenborn
Childers	Hollahan	Plante	Wilson

Nays—None

Consideration of HB 3937 was deferred.

Senator Barron presiding.

HJR 4324—A joint resolution proposing an amendment to section 4 of Article X of the State Constitution.

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

That the following amendment to section 4 of Article X of the State Constitution is agreed to and shall be submitted to the electors of Florida for ratification or rejection at the general election to be held in November, 1972.

Section 4. Homestead; exemptions.—

(a) There shall be exempt from forced sale under process of any court, and no judgment, decree or execution shall be a lien thereon, except for the payment of taxes and assessments thereon, obligations contracted for the purchase, improvement or repair thereof, or obligations contracted for house, field or other labor performed on the realty, the following property owned by the head of a family:

(1) a homestead, if located outside a municipality, to the extent of one hundred sixty acres of contiguous land and improvements thereon, which shall not be reduced without the owners' consent by reason of subsequent inclusion in a municipality; or if located within a municipality; or if located within a municipality, to the extent of one-half acre of contiguous land, upon which the exemption shall be limited to the residence of the owner or his family;

(2) personal property to the value of one thousand dollars.

(b) These exemptions shall inure to the surviving spouse or heirs of the owner.

(c) The homestead shall not be subject to devise if the owner is survived by spouse or minor child, except the homestead may be devised to the owner's spouse if there be no minor child. The owner of homestead real estate, joined by the spouse if married, may alienate the homestead by mortgage, sale or gift and, if married, may by deed transfer the title to an estate by the entirety with the spouse. If the owner or spouse is incompetent, the method of alienation or encumbrance shall be as provided by law.

—was read the second time. On motion by Senator Horne, by two-thirds vote HJR 4324 was read the third time in full. The Secretary called the roll and HJR 4324 passed with the required constitutional three-fifths vote of the membership and was certified to the House. The vote was:

Yeas—43

Arnold	Deeb	Johnson (29th)	Pope
Barron	de la Parte	Johnson (34th)	Poston
Barrow	Ducker	Karl	Saylor
Beaufort	Fincher	Knopke	Scarborough
Bell	Gong	Lane	Stolzenburg
Boyd	Graham	Lewis (33rd)	Trask
Peterson	Gunter	Lewis (43rd)	Ware
Brantley	Haverfield	McClain	Weber
Broxson	Henderson	Myers	Williams
Childers	Hollahan	Ott	Wilson
Daniel	Horne	Plante	

Nays—1

Bishop

HB 3461—A bill to be entitled An act relating to insurance; amending chapter 284, Florida Statutes, by designating chapter 284, Florida Statutes, relating to the Florida fire insurance trust fund as part I of chapter 284, Florida Statutes, and adding part II consisting of sections 284.30 through 284.41, Florida Statutes, creating a Florida casualty insurance risk management trust fund to provide workmen's compensation, general liability and fleet automotive liability insurance coverages for all departments of the state; authorizing the department of insurance to implement and administer this act; providing for the purchase of insurance, specific excess and aggregate insurance and risk management services; excluding medical malpractice and nuclear energy liability exposures; authorizing payment of administrative expenses from the fund; authorizing the transfer of appropriated funds for such coverages; providing for payment of premium on respective agency risks by such agencies; earmarking premium and investment

accruals; prescribing a retrospective rating arrangement for computation of future premiums based on actual losses and operational factors; authorizing promulgation of rules; creating a division of risk management in the department of insurance to administer all state insurance coverage programs providing for transfer of involved funds and personnel currently otherwise allocated to the department of insurance; extending insurance commissioner and treasurer's public official bond to encompass this area of administration; providing for certain reports; providing an effective date.

—was read the second time by title. On motion by Senator Karl, by two-thirds vote HB 3461 was read the third time by title, passed and certified to the House. The vote was:

Yeas—43

Arnold	Daniel	Johnson (29th)	Pope
Barron	Deeb	Johnson (34th)	Poston
Barrow	de la Parte	Karl	Saylor
Beaufort	Ducker	Knopke	Scarborough
Bell	Gong	Lane	Stolzenburg
Bishop	Graham	Lewis (33rd)	Trask
Boyd	Gunter	Lewis (43rd)	Ware
Peterson	Haverfield	McClain	Weber
Brantley	Henderson	Myers	Weissenborn
Broxson	Hollahan	Ott	Wilson
Childers	Horne	Plante	

Nays—None

SB 639 was laid on the table.

Senator Karl presiding.

HB 3482—A bill to be entitled An act relating to insurance; amending chapter 624, Florida Statutes, by adding new section 624.02201 to permit the department of insurance to impose a fine in lieu of revocation or suspension of an insurer's certificate of authority; providing an effective date.

—was read the second time by title. On motion by Senator Lewis (43rd), by two-thirds vote HB 3482 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

Arnold	de la Parte	Johnson (34th)	Scarborough
Barron	Ducker	Karl	Stolzenburg
Barrow	Fincher	Knopke	Trask
Beaufort	Gong	Lewis (33rd)	Ware
Bell	Graham	Lewis (43rd)	Weissenborn
Bishop	Gunter	Myers	Williams
Brantley	Haverfield	Plante	Wilson
Childers	Henderson	Poston	
Daniel	Hollahan	Reuter	
Deeb	Johnson (29th)	Saylor	

Nays—None

SB 1010 was laid on the table.

HB 3485—A bill to be entitled An act relating to insurance premium finance companies; amending §627.838, Florida Statutes, by adding subsection (4) and amending §627.836(2), Florida Statutes, to establish an annual report fee and a form filing fee; amending §627.834, Florida Statutes, by adding subsection (2) to provide periodic examinations by the department of insurance; amending §627.828(4)(a) and (b), Florida Statutes, and amending Chapter 627, Florida Statutes, by adding a new section 627.849, Florida Statutes, to set a maximum investigation fee on applications for more than three offices, to provide a schedule of fee to be credited to the insurance commissioner's regulatory trust fund, to increase the annual license fee and to delete the reduced fee for licenses issued after March 31; providing an effective date.

—was read the second time by title. On motion by Senator Barron, by two-thirds vote HB 3485 was read the third time by title, passed and certified to the House. The vote was:

Yeas—40

Arnold	Bell	Childers	Ducker
Barron	Bishop	Daniel	Fincher
Barrow	Boyd	Deeb	Gong
Beaufort	Brantley	de la Parte	Graham

Gunter	Johnson (34th)	Myers	Scarborough
Haverfield	Karl	Plante	Trask
Henderson	Knopke	Pope	Ware
Hollahan	Lane	Poston	Weissenborn
Horne	Lewis (33rd)	Reuter	Williams
Johnson (29th)	Lewis (43rd)	Saylor	Wilson

Nays—None

SB 1113 was laid on the table.

The President presiding.

On motion by Senator Hollahan, it was agreed by two-thirds vote that the Senate would recess at 12:00 noon and hold an afternoon session from 1:00 p.m. until 4:00 p.m.

Consideration of CS for HB 3152, CS for HB 547 and HB 946 was deferred.

On motion by Senator Scarborough, HB 3648 was withdrawn from the Committee on Personnel, Retirement and Claims by two-thirds vote and placed on the calendar.

On motion by Senator Scarborough, Rule 4.14 requiring 15 minutes' notice was waived and unanimous consent was obtained to take up out of order—

HB 3648—A bill to be entitled An act relating to retirement; authorizing a member of the teachers' retirement system or the Florida retirement system who taught in a public school in Florida which was taken over and operated by the United States government pursuant to federal law to claim and receive credit in his retirement system for such teaching service under specified conditions; providing an effective date.

—which was read the second time by title. On motion by Senator Scarborough, by two-thirds vote HB 3648 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

Mr. President	Childers	Johnson (29th)	Saylor
Arnold	Daniel	Knopke	Scarborough
Barron	Deeb	Lane	Stolzenburg
Barrow	de la Parte	Lewis (33rd)	Trask
Beaufort	Ducker	Lewis (43rd)	Ware
Bell	Gong	McClain	Weber
Bishop	Graham	Pope	Weissenborn
Boyd	Haverfield	Poston	Wilson
Peterson	Henderson	Reuter	
Brantley	Horne	Saunders	

Nays—None

By unanimous consent Senator Broxson was recorded as voting yea.

HB 3756—A bill to be entitled An act relating to outdoor advertising; amending §479.02, Florida Statutes, as amended by chapter 71-971, Laws of Florida; providing size and spacing requirements consistent with federal regulations; providing an effective date.

—was read the second time by title. On motion by Senator Poston, by two-thirds vote HB 3756 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Arnold	Childers	Johnson (29th)	Saylor
Barron	Daniel	Johnson (34th)	Scarborough
Beaufort	Deeb	Knopke	Stolzenburg
Bell	de la Parte	Lane	Weber
Bishop	Fincher	Lewis (33rd)	Weissenborn
Boyd	Gong	Myers	Wilson
Peterson	Gunter	Plante	
Brantley	Henderson	Poston	
Broxson	Horne	Saunders	

Nays—6

Barrow	Graham	Reuter	Ware
Ducker	Lewis (43rd)		

By unanimous consent Senator Trask was recorded as voting yea.

SB 604 was laid on the table.

HB 2759—A bill to be entitled An act relating to transportation of school children; creating §232.034, Florida Statutes, relating to medical exemption; providing an effective date.

—was read the second time by title.

The Committee on Public Schools offered the following amendment which was moved by Senator Broxson and failed:

Amendment 1—On page 1, strike all of lines 22 and 23 and insert: board shall have the authority to assign such pupil to the nearest appropriate school to which he lives.

On motion by Senator Graham, the Senate reconsidered the vote by which Amendment 1 failed and the amendment was adopted.

On motion by Senator Lane, by two-thirds vote HB 2759 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—42

Mr. President	Childers	Hollahan	Reuter
Arnold	Daniel	Johnson (29th)	Saylor
Barron	Deeb	Johnson (34th)	Scarborough
Barrow	de la Parte	Karl	Stolzenburg
Beaufort	Ducker	Knopke	Trask
Bell	Fincher	Lane	Ware
Bishop	Gong	Lewis (33rd)	Weber
Boyd	Graham	Lewis (43rd)	Weissenborn
Peterson	Gunter	Myers	Wilson
Brantley	Haverfield	Pope	
Broxson	Henderson	Poston	

Nays—None

By unanimous consent Senators Horne and McClain were recorded as voting yea.

HB 946—A bill to be entitled An act relating to public schools; amending §232.26, Florida Statutes; providing for suspension of primary and secondary grade pupils charged with violation of any of the laws relating to illegal possession or sale of narcotic drugs, central nervous system stimulants, hallucinogenic drugs or barbiturates; providing for expulsion upon conviction; providing for waiver of discipline under prescribed circumstances; providing for notice to parents; providing an effective date.

—was read the second time by title.

The Committee on Public Schools offered the following amendment which was adopted on motion by Senator Broxson:

Amendment 1—On page 2, line 15, after the word "charged" insert: with a felony

The Committee on Public Schools offered the following amendment which was adopted on motion by Senator Broxson:

Amendment 2—On page 2, line 26 after the word "guilty" insert: of a felony

The Committee on Public Schools offered the following amendment which was adopted on motion by Senator Broxson:

Amendment 3—On page 1, line 4 strike the word "primary" and insert: elementary

On motion by Senator Graham the following amendment was adopted:

Amendment 4—On page 3, line 9 insert: provided, any information divulged which leads to such arrest and conviction shall not be admissible in evidence against the pupil divulging such information in a subsequent criminal trial.

On motion by Senator Lane, by two-thirds vote HB 946 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—40

Mr. President	Daniel	Horne	Plante
Arnold	Deeb	Johnson (29th)	Poston
Barrow	de la Parte	Johnson (34th)	Reuter
Beaufort	Ducker	Karl	Sayler
Bell	Fincher	Knopke	Stolzenburg
Bishop	Gong	Lane	Trask
Boyd	Graham	Lewis (33rd)	Ware
Peterson	Haverfield	Lewis (43rd)	Weissenborn
Broxson	Henderson	McClain	Williams
Childers	Hollahan	Myers	Wilson

Nays—None

By unanimous consent Senator Gunter was recorded as voting yea.

HB 3774—A bill to be entitled An act relating to larceny; amending §811.021, Florida Statutes, as amended by chapters 71-30 and 71-136, Laws of Florida; providing that larceny include real and personal property; providing a penalty for a second conviction of petit larceny; providing all petit larceny offenses with subsequent conviction provisions; providing that it is sufficient to charge that the accused stole personal or real property; amending chapter 811, Florida Statutes; repealing §§811.05, 811.06, 811.07, 811.10, 811.11, 811.12, 811.13, 811.14, 811.15, 811.18, 811.19, 811.22, 811.23, 811.24, 811.25, 811.26, and 811.27, Florida Statutes, as amended by chapter 71-136, Laws of Florida, §811.21, Florida Statutes as amended by chapters 71-136 and 71-342, Laws of Florida, and §§811.08 and 811.09, Florida Statutes; relating to various types of larceny; transferring §811.271, Laws of Florida; relating to sales certificates to accompany certain fruits; providing an effective date.

—was read the second time by title. On motion by Senator Hollahan, by two-thirds vote HB 3774 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

Mr. President	Daniel	Johnson (34th)	Reuter
Arnold	de la Parte	Karl	Sayler
Barrow	Fincher	Knopke	Scarborough
Beaufort	Gong	Lewis (33rd)	Stolzenburg
Bell	Graham	Lewis (43rd)	Weber
Bishop	Gunter	McClain	Weissenborn
Peterson	Haverfield	Myers	Wilson
Brantley	Henderson	Ott	
Broxson	Hollahan	Plante	
Childers	Johnson (29th)	Poston	

Nays—1

Deeb

By unanimous consent Senators Boyd, Ducker and Trask were recorded as voting yea.

HB 3352—A bill to be entitled An act relating to state forests; creating section 589.071, Florida Statutes; authorizing ingress and egress control of vehicular traffic and pedestrians within state forest lands; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Gunter, by two-thirds vote HB 3352 was read the third time by title, passed and certified to the House. The vote was:

Yeas—39

Mr. President	de la Parte	Johnson (34th)	Reuter
Arnold	Ducker	Karl	Saunders
Beaufort	Fincher	Knopke	Sayler
Bell	Gong	Lane	Scarborough
Boyd	Graham	Lewis (33rd)	Stolzenburg
Peterson	Gunter	Lewis (43rd)	Trask
Brantley	Haverfield	Myers	Weber
Broxson	Henderson	Ott	Weissenborn
Childers	Hollahan	Plante	Wilson
Deeb	Johnson (29th)	Poston	

Nays—1

Bishop

By unanimous consent Senators Barrow, Daniel and McClain were recorded as voting yea.

SB 756 was laid on the table.

On motion by Senator Broxson, unanimous consent was obtained to introduce out of order—

By Senators Broxson and Childers—

SB 1312—A bill to be entitled An act relating to Escambia county law library; amending sections (3) and (4) of chapter 61-2130, Laws of Florida, as amended by chapter 69-1048, Laws of Florida; providing that the filing fee tax imposed by said section 3, shall be taxed as costs in cases filed in the circuit court and in the county courts in Escambia county; changing the composition of the library board of Escambia county; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1312.

—which was read the first time by title. On motion by Senator Broxson, the rules were waived and the bill was placed on the local calendar.

On motion by Senator Broxson, Rule 4.14 requiring 15 minutes' notice was waived and unanimous consent was obtained to take up SB 1312 out of order.

On motions by Senator Broxson, by two-thirds vote, SB 1312 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Sayler
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

LOCAL CALENDAR

SB 1220—A bill to be entitled An act authorizing the county of Pinellas, Florida, to construct, acquire, own, maintain and operate a solid waste disposal system in said county for the collection and disposal of garbage and other waste matter; authorizing said county to establish, fix and collect fees, rentals or other charges for the services and facilities of said solid waste disposal system, and to issue bonds of said county to finance the cost of the construction, acquisition or improvement of said solid waste disposal system, and purposes related thereto; providing that said bonds may be revenue bonds payable solely from the fees, rentals or other charges derived from said solid waste disposal system or from other funds of said county other than ad valorem taxes; providing for the exercise of the power of eminent domain by said county for the purposes of said solid waste disposal system; providing for a receiver of said solid waste disposal system on default of the county in the payment of such bonds or of covenants with the holders of such bonds; providing for covenants of the state of Florida with respect to the rights of the holders of said bonds; providing for the issuance of refunding bonds; authorizing said county to covenant with holders of such bonds to include the amounts necessary for debt service and reserves on said bonds in each year in the budget of such county for such year but payable only from funds other than ad valorem taxes; authorizing said county to require the use of the facilities of said solid waste disposal system by all of the inhabitants of said county, including all municipalities; authorizing said county to make other valid and legally binding covenants with the holders of said bonds relative to said solid waste disposal system and the rights, security and remedies of the holders of said bond; providing for an effective date.

—was read the second time by title.

On motion by Senator Ware the following amendment was adopted:

Amendment 1—On page 2, line 30 strike "collection and"

Senators Ware, Sayler and Deeb offered the following amendment which was adopted on motion by Senator Ware:

Amendment 2—On page 4, line 30 after the word "purposes." insert: The location of an incinerator, compost plant, or any similar facility within the boundaries of any municipality shall require the approval of the governing bodies of all municipal bodies affected.

Senators Ware, Sayler and Deeb offered the following amendment which was adopted on motion by Senator Ware:

Amendment 3—

On page 5, line 12 strike "collection and"

Senators Ware, Sayler and Deeb offered the following amendment which was adopted on motion by Senator Ware:

Amendment 4—

On page 5, line 15 after the word "bodies," insert: providing that in no instance shall the quality of service be lowered to the residents of Pinellas County by the entering into contracts with individuals, corporations or other jurisdictional bodies outside of Pinellas County;

Senators Ware, Sayler and Deeb offered the following amendment which was adopted on motion by Senator Ware:

Amendment 5—

On page 5, lines 16 through 23 insert: inhabitants of the county ~~whether within or~~ without municipalities to use such system for solid waste disposal, and to compel municipalities and their inhabitants within said county to use such system ~~for solid waste disposal~~; but only if the projected yearly costs of hauling and disposing of the solid wastes of such municipality in the County system would not exceed 125% of the yearly costs of hauling and disposing of such municipalities' solid wastes in its existing legally valid system of disposal; providing further that any municipality with an existing legally valid solid waste disposal method compelled to join the County system by virtue of rate projections offered to such city falling within the limitations of this act shall not later have disposal rates to such city raised more than 5% each year; to prohibit solid waste disposal systems being operated or maintained by any other governmental authority within the county. *except where economically unfeasible as indicated above.*

Senators Ware, Sayler and Deeb offered the following amendment which was adopted on motion by Senator Ware:

Amendment 6—

On page 7, line 29 after the word "thereof," insert: except any lands or waters adjacent thereto that are now or may be designated by the year 1974 as public parks by the federal, state or city government,

Senators Ware, Sayler and Deeb offered the following amendment which was adopted on motion by Senator Ware:

Amendment 7—

On page 8, line 17 after the word subdivisions), insert: except as provided in paragraph 2),

Senators Ware, Sayler and Deeb offered the following amendment which was adopted on motion by Senator Ware:

Amendment 8—

On page 20, strike after the word "due" (line 8) through the word "expenses," (Line 24) insert: said delinquencies

Senators Ware, Sayler and Deeb offered the following amendment which was adopted on motion by Senator Ware:

Amendment 9—

On page 1, lines 7 and 8 strike "collection and"

Senators Ware, Sayler and Deeb offered the following amendment which was adopted on motion by Senator Ware:

Amendment 10—

On page 2, line 12, after word "municipalities;" insert: to which such system would be economically feasible;

On motion by Senator Ware, by two-thirds vote SB 1220 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—44

Arnold	Deeb	Johnson (29th)	Poston
Barrow	de la Parte	Johnson (34th)	Reuter
Beaufort	Ducker	Karl	Saunders
Bell	Fincher	Knopke	Sayler
Bishop	Gong	Lane	Scarborough
Boyd	Graham	Lewis (33rd)	Stolzenburg
Peterson	Gunter	Lewis (43rd)	Trask
Brantley	Haverfield	McClain	Ware
Broxson	Henderson	Myers	Weber
Childers	Hollahan	Plante	Weissenborn
Daniel	Horne	Pope	Williams

Nays—1

Wilson

Consideration of Senate Bills 1252, 1255, 1256 and 1257 was deferred.

SB 1275—A bill to be entitled An act relating to the City of Pinellas Park, Florida, amending Section 4 of Article I of the Charter of the City of Pinellas Park as shown in Chapter 65-2122 Laws of Florida, 1965, Chapter 67-1934 Laws of Florida, 1967, and Chapter 69-1494 Laws of Florida, 1969 by abolishing the present boundaries of the municipality and re-establishing new municipal boundaries.

—was read the second time by title. On motion by Senator Ware, by two-thirds vote SB 1275 was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Sayler
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

SB 1307—A bill to be entitled An act relating to Martin County; repealing chapter 69-1304, Laws of Florida, which provides for limitation on county purchases without bids; providing an effective date.

—was read the second time by title. On motion by Senator Johnson (29th), by two-thirds vote SB 1307 was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Sayler
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

SB 1290—A bill to be entitled An act relating to the City of Zephyrhills, Pasco County, boundaries; amending Section 11.02 of the City Charter, Chapter 2414, Laws of Florida, 1965, providing a change of boundaries by annexation of certain lands.

—was read the second time by title. On motion by Senator Ware, by two-thirds vote SB 1290 was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Sayler
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 3854—A bill to be entitled An act establishing the Pensacola downtown improvement board as a body corporate; prescribing the boundaries of the downtown area, the method of changing those boundaries; prescribing the number, qualifications, term, and methods of appointment and removal of members; providing for filling vacancies in office, for service without compensation, for reimbursement of expenses, for bonding, and for personal liability in certain instances; providing for by-laws and internal governance of the board; prescribing its functions and powers, including powers to acquire, own, lease, and dispose of property; requesting the City of Pensacola to exercise its eminent domain power for public purposes; providing for issuing, selling and providing security for revenue certificates; providing for borrowing on short term, fixing, regulating, and collecting rates and charges; providing for maintenance of offices; providing for employment and prescribing the duties, authority, tenure, compensation, and expense reimbursement of a director and other staff; providing for the exercise of all necessary incidental powers; providing for the city to levy in each fiscal year an ad valorem property tax of not more than one (1) mill on nonhomestead property to finance board operations; providing for assessment and collection thereof by the county; requiring maintenance of records, budget and fiscal control; forbidding participation on behalf of the board by personnel financially interested in the matter involved; providing for succession by the city to the property and certain functions of the board if it ceases to exist or operate; regulating issuance of board revenue certificates and providing for validations of bonds; prescribing scope of this act; providing for a freeholders' election; specifying policy as to who is eligible voter and clarifying intent as to millage limitation; providing an effective date.

—was read the second time by title.

On motion by Senator Broxson, the following amendment was adopted:

Amendment 1—

On page 3, strike all of lines 26, 27, 28, 29, 30, and on page 4 line 1.

On motion by Senator Broxson, the following amendment was adopted:

Amendment 2—

On page 7, line 25 strike "freeholders" and insert: electors

On motion by Senator Broxson, the following amendment was adopted:

Amendment 3—

On page 15, line 21 strike "freeholders" and insert: electors

On motion by Senator Broxson, the following amendment was adopted:

Amendment 4—

On page 16, line 10 strike "freeholder's referendum" and insert: referendum election

On motion by Senator Broxson, the following amendment was adopted:

Amendment 5—

On page 17, line 6 strike "Freeholder's" and insert: referendum

On motion by Senator Broxson, the following amendment was adopted:

Amendment 6—

On page 21, line 4 strike "Freeholder's" and capitalize next word

On motion by Senator Broxson, the following amendment was adopted:

Amendment 7—

On page 21, line 7 strike "freeholders not wholly exempt" and insert: qualified electors

On motion by Senator Broxson, the following amendment was adopted:

Amendment 8—

On page 21, line 18 strike "freeholders" and insert: qualified electors

On motion by Senator Broxson, the following amendment was adopted:

Amendment 9—

On page 21, line 23 strike "freeholders'" and insert: electors'

On motion by Senator Broxson, the following amendment was adopted:

Amendment 10—

On page 21, line 28 strike "freeholder" and insert: qualified elector

On motion by Senator Broxson, the following amendment was adopted:

Amendment 11—

On page 21, line 30 insert: a period . at the end of line 30

On motion by Senator Broxson, the following amendment was adopted:

Amendment 12—

On page 22, lines 1—3 strike "and the method provided for additional registration should the status of the freeholder have changed since the compilation of the tax rolls."

On motion by Senator Broxson, the following amendment was adopted:

Amendment 13—

On page 22, line 9 strike "freeholder" and insert: qualified elector

On motion by Senator Broxson, the following amendment was adopted:

Amendment 14—

On page 22, line 13 strike "tests" and insert: books

On motion by Senator Broxson, the following amendment was adopted:

Amendment 15—

On page 22, line 20 strike "registered freeholder" and insert: qualified elector

On motion by Senator Broxson, the following amendment was adopted:

Amendment 16—

On page 22, lines 23—25 strike the comma, the assessed value of the freeholders' property and the percent of his interest therein. and insert: (a period.)

On motion by Senator Broxson, the following amendment was adopted:

Amendment 17—

On page 23, line 7 strike "freeholder" and insert: qualified elector

On motion by Senator Broxson, the following amendment was adopted:

Amendment 18—

On page 23, line 12 strike "freeholders" and insert: qualified electors

On motion by Senator Broxson, the following amendment was adopted:

Amendment 19—

On page 23, lines 15—16 strike "freeholders" and insert: qualified electors

On motion by Senator Broxson, the following amendment was adopted:

Amendment 20—

On page 23, lines 19—28 strike all of portion 7 lines 19 thru 28 and renumber following subsections

On motion by Senator Broxson, the following amendment was adopted:

Amendment 21—

On page 23, line 29 and page 24, line 1 strike "freeholders" and insert: electors

On motion by Senator Broxson, the following amendment was adopted:

Amendment 22—

On page 24, line 11 strike "freeholders" and insert: electors

On motion by Senator Broxson, the following amendment was adopted:

Amendment 23—

On page 24, line 17 strike "freeholders"

On motion by Senator Broxson, the following amendment was adopted:

Amendment 24—

On page 24, line 23 strike "freeholders" and insert: electors

On motion by Senator Broxson, the following amendment was adopted:

Amendment 25—

On page 24, line 27 strike "freeholder" and insert: electors

On motion by Senator Broxson, the following amendment was adopted:

Amendment 26—

On page 25, line 2 strike "freeholders"

On motion by Senator Broxson, the following amendment was adopted:

Amendment 27—

On page 25, line 12 strike "freeholders" and insert: electors

On motion by Senator Broxson, the following amendment was adopted:

Amendment 28—

On page 25, lines 13—14 strike "assessed value of the property of the freeholders" and insert: total qualified electors

On motion by Senator Broxson, the following amendment was adopted:

Amendment 29—

On page 2, line 17 strike "freeholder's" and insert: referendum

On motion by Senator Broxson, by two-thirds vote HB 3854 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Saylor
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 3876—A bill to be entitled An act relating to Escambia County; amending portions of chapter 67-1370 and 71-628, Laws of Florida, relating to civil service board, to give the district school board flexibility in its organizational structure to change the title of positions without the necessity of a change in law; providing an effective date.

—was read the second time by title. On motion by Senator Broxson, by two-thirds vote HB 3876 was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Saylor
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 3902—A bill to be entitled An act relating to Hillsborough Community College; validating certain appropriations made by the board of trustees of said college for the payment of certain moving expenses and insurance premiums, which appropriations were made during the fiscal period commencing July 1, 1968, and ending June 30, 1971; declaring such appropriations to have been made for educational purposes; providing an effective date.

—was read the second time by title. On motion by Senator McClain, by two-thirds vote HB 3902 was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl
Barrow	Ducker	Knopke
Beaufort	Fineher	Lane
Bell	Gong	Lewis (33rd)
Bishop	Graham	Lewis (43rd)
Boyd	Gunter	McClain
Peterson	Haverfield	Myers
Brantley	Henderson	Plante
Broxson	Hollahan	Pope
Childers	Horne	Poston
Daniel	Johnson (29th)	Reuter
Deeb	Johnson (34th)	Saunders

Nays—None

Consideration of House Bills 4103, 4247, 4300 and 4339 was deferred.

HB 4390—A bill to be entitled An act relating to Pinellas County; providing for the establishment of an aquatic preserve; providing restrictions upon the sale and use of submerged lands and waters within the boundaries of the preserve; providing for administration by the board of trustees of the internal improvement trust fund; preserving riparian rights; preserving the authority of the Pinellas County water and navigation control authority; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Ware, by two-thirds vote HB 4390 was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl
Barrow	Ducker	Knopke
Beaufort	Fincher	Lane
Bell	Gong	Lewis (33rd)
Bishop	Graham	Lewis (43rd)
Boyd	Gunter	McClain
Peterson	Haverfield	Myers
Brantley	Henderson	Plante
Broxson	Hollahan	Pope
Childers	Horne	Poston
Daniel	Johnson (29th)	Reuter
Deeb	Johnson (34th)	Saunders

Nays—None

HB 3384—A bill to be entitled An act relating to Seminole County, club alcoholic beverage licenses; excepting Benevolent and Protective Order of Elks, No. 1830, a charitable fraternal organization of said county, from the provisions of chapter 561.20(6), Florida Statutes, in regard to the limitation on such licenses that may be issued in said county, under the provisions of chapter 561.34(6), Florida Statutes, and excepting said club from the provisions of any other laws of Florida, general, special or local, limiting the number of such licenses that may be issued; providing an effective date.

On motions by Senator Ducker, by two-thirds vote, HB 3384 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—41

Arnold	Fincher	Lane	Scarborough
Barrow	Gong	Lewis (33rd)	Stolzenburg
Beaufort	Graham	Lewis (43rd)	Trask
Bell	Haverfield	McClain	Ware
Bishop	Henderson	Myers	Weber
Boyd	Hollahan	Plante	Weissenborn
Brantley	Horne	Pope	Williams
Daniel	Johnson (29th)	Poston	Wilson
Deeb	Johnson (34th)	Reuter	
de la Parte	Karl	Saunders	
Ducker	Knopke	Saylor	

Nays—4

Peterson	Broxson	Childers	Gunter
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HB 3499—A bill to be entitled An act relating to Palm Beach County: Providing for an additional beverage license in such

county, to be issued to the Ocean Club of Florida, Inc., in Ocean Ridge, Delray Beach, Florida: and providing an effective date.

On motions by Senator Lewis (33rd), by two-thirds vote, HB 3499 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—41

Arnold	Fincher	Lane	Scarborough
Barrow	Gong	Lewis (33rd)	Stolzenburg
Beaufort	Graham	Lewis (43rd)	Trask
Bell	Haverfield	McClain	Ware
Bishop	Henderson	Myers	Weber
Boyd	Hollahan	Plante	Weissenborn
Brantley	Horne	Pope	Williams
Daniel	Johnson (29th)	Poston	Wilson
Deeb	Johnson (34th)	Reuter	
de la Parte	Karl	Saunders	
Ducker	Knopke	Saylor	

Nays—4

Peterson	Broxson	Childers	Gunter
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HB 3500—A bill to be entitled An act relating to Palm Beach County: providing for an additional beverage license in such county, to be issued to the Sea Horse Bath & Tennis Club, Inc., in Delray Beach, Florida: and providing an effective date.

On motions by Senator Johnson (34th), by two-thirds vote, HB 3500 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—41

Arnold	Fincher	Lane	Scarborough
Barrow	Gong	Lewis (33rd)	Stolzenburg
Beaufort	Graham	Lewis (43rd)	Trask
Bell	Haverfield	McClain	Ware
Bishop	Henderson	Myers	Weber
Boyd	Hollahan	Plante	Weissenborn
Brantley	Horne	Pope	Williams
Daniel	Johnson (29th)	Poston	Wilson
Deeb	Johnson (34th)	Reuter	
de la Parte	Karl	Saunders	
Ducker	Knopke	Saylor	

Nays—4

Peterson	Broxson	Childers	Gunter
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HB 3574—A bill to be entitled An act relating to Hillsborough County, club alcoholic beverage licenses; authorizing the issuance of a club liquor license to the Veterans of Foreign Wars, Post No. 424, Hillsborough County, under authority of chapter 561, Florida Statutes; providing for certain limitations affecting transfer and service; providing an effective date.

On motions by Senator Knopke, by two-thirds vote, HB 3574 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—41

Arnold	Fincher	Lane	Scarborough
Barrow	Gong	Lewis (33rd)	Stolzenburg
Beaufort	Graham	Lewis (43rd)	Trask
Bell	Haverfield	McClain	Ware
Bishop	Henderson	Myers	Weber
Boyd	Hollahan	Plante	Weissenborn
Brantley	Horne	Pope	Williams
Daniel	Johnson (29th)	Poston	Wilson
Deeb	Johnson (34th)	Reuter	
de la Parte	Karl	Saunders	
Ducker	Knopke	Saylor	

Nays—4

Peterson	Broxson	Childers	Gunter
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HB 3703—A bill to be entitled An act relating to Hillsborough County, club alcoholic beverage licenses; authorizing the issuance of a club liquor license to the Cuban Civic Club, Hillsborough County, under authority of chapter 561, Florida Statutes; providing for certain limitations affecting transfer and service; providing an effective date.

On motions by Senator Knopke, by two-thirds vote, HB 3703 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—41

Arnold	Fincher	Lane	Scarborough
Barrow	Gong	Lewis (33rd)	Stolzenburg
Beaufort	Graham	Lewis (43rd)	Trask
Bell	Haverfield	McClain	Ware
Bishop	Henderson	Myers	Weber
Boyd	Hollahan	Plante	Weissenborn
Brantley	Horne	Pope	Williams
Daniel	Johnson (29th)	Poston	Wilson
Deeb	Johnson (34th)	Reuter	
de la Parte	Karl	Saunders	
Ducker	Knopke	Sayler	

Nays—4

Peterson	Broxson	Childers	Gunter
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HB 3835—A bill to be entitled An act relating to Collier County, club alcoholic beverage licenses; excepting the Moorings Country Club of Naples from the provisions of §561.20(6), Florida Statutes, insofar as the same relates to the number of such licenses that may be issued in Collier County; excepting said club from the provisions of any other laws of general, special, or local nature relating to the number of licenses to be issued in said county; providing an effective date.

On motions by Senator Weber, by two-thirds vote, HB 3835 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—41

Arnold	Fincher	Lane	Scarborough
Barrow	Gong	Lewis (33rd)	Stolzenburg
Beaufort	Graham	Lewis (43rd)	Trask
Bell	Haverfield	McClain	Ware
Bishop	Henderson	Myers	Weber
Boyd	Hollahan	Plante	Weissenborn
Brantley	Horne	Pope	Williams
Daniel	Johnson (29th)	Poston	Wilson
Deeb	Johnson (34th)	Reuter	
de la Parte	Karl	Saunders	
Ducker	Knopke	Sayler	

Nays—4

Peterson	Broxson	Childers	Gunter
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HB 3860—A bill to be entitled An act relating to Brevard County, club alcoholic beverage licenses; excepting V.F.W. Post 10148, Cocoa Beach, and V.F.W. Post 4534, Cocoa-Rockledge, from the provisions of §561.20(6), Florida Statutes, as the same relates to the number of such licenses that may be issued in any other laws of general, special or local nature relating to the number of licenses to be issued in Brevard County; providing an effective date.

On motions by Senator Reuter, by two-thirds vote, HB 3860 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—41

Arnold	Brantley	Gong	Johnson (29th)
Barrow	Daniel	Graham	Johnson (34th)
Beaufort	Deeb	Haverfield	Karl
Bell	de la Parte	Henderson	Knopke
Bishop	Ducker	Hollahan	Lane
Boyd	Fincher	Horne	Lewis (33rd)

Lewis (43rd)	Poston	Stolzenburg	Williams
McClain	Reuter	Trask	Wilson
Myers	Saunders	Ware	
Plante	Sayler	Weber	
Pope	Scarborough	Weissenborn	

Nays—4

Peterson	Broxson	Childers	Gunter
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HB 3979—A bill to be entitled An act relating to alcoholic beverage licenses in Brevard County; providing for an additional beverage license for the Barefoot Bay Corporation doing business as Barefoot Bay Golf and Country Club of Micco, Florida; providing for the waiver of the term of existence of the licensee; providing an effective date.

On motions by Senator Reuter, by two-thirds vote, HB 3979 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—41

Arnold	Fincher	Lane	Scarborough
Barrow	Gong	Lewis (33rd)	Stolzenburg
Beaufort	Graham	Lewis (43rd)	Trask
Bell	Haverfield	McClain	Ware
Bishop	Henderson	Myers	Weber
Boyd	Hollahan	Plante	Weissenborn
Brantley	Horne	Pope	Williams
Daniel	Johnson (29th)	Poston	Wilson
Deeb	Johnson (34th)	Reuter	
de la Parte	Karl	Saunders	
Ducker	Knopke	Sayler	

Nays—4

Peterson	Broxson	Childers	Gunter
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HB 4258—A bill to be entitled An act relating to Brevard County, Florida; relating to the regulating, licensing and testing of those engaged in the business of heating, air conditioning, refrigeration and ventilating contractors and sheet metal contractors in all of the areas of Brevard County, Florida; granting the board of county commissioners of Brevard County the power and authority to repeal and amend any or all of the provisions of Chapter 71-554, Laws of Florida; providing an effective date.

On motions by Senator Reuter, by two-thirds vote, HB 4258 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Sayler
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 4391—A bill to be entitled An act relating to Pinellas County; amending Sections 2 and 3, the initial paragraph and subsections (a) and (e) of Section 8, and Section 19 of chapter 31182, Laws of Florida, 1955; adding clarifying language both as to purpose and jurisdiction of the Pinellas County Water and Navigation Control Authority; providing procedure for establishment of bulkhead lines; providing an effective date.

—was read the second time by title. On motion by Senator Ware, by two-thirds vote HB 4391 was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl
Barrow	Ducker	Knopke
Beaufort	Fincher	Lane
Bell	Gong	Lewis (33rd)
Bishop	Graham	Lewis (43rd)
Boyd	Gunter	McClain
Peterson	Haverfield	Myers
Brantley	Henderson	Plante
Broxson	Hollahan	Pope
Childers	Horne	Poston
Daniel	Johnson (29th)	Reuter
Deeb	Johnson (34th)	Saunders

Nays—None

HB 4387—A bill to be entitled An act relating to the Town of Mexico Beach, Bay County; amending §§16, 36 and 40 of chapter 67-1717, Laws of Florida; providing that candidates for the town council or mayor-councilman may file on or before thirty (30) days prior to the election; providing that ad valorem taxes shall not be levied without a referendum and in no case in excess of three (3) mills; providing for the waiver of competitive bid procedures in the event of an emergency; providing for a referendum.

On motions by Senator Barron, by two-thirds vote, HB 4387 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Saylor
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 4388—A bill to be entitled An act relating to Brevard County, government study commission; amending §§4 and 5 of chapter 70-607, Laws of Florida; extending the life of the commission by three (3) months; clarifying funding and assistance provisions; providing an effective date.

On motions by Senator Reuter, by two-thirds vote, HB 4388 was read the second time by title and, by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Saylor
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 4322—A bill to be entitled An act relating to Hillsborough County; creating a special recreation district for the purpose of continued development, administration, and maintenance of properties for recreational and related activities for the unincorporated area known as Carrollwood Subdivision as set forth according to the public records of Hillsborough County; providing for the administration of the affairs of said district by a board of nine (9) trustees and defining their powers and duties; providing for the qualification of electors in the district and the

manner of conducting the first election of board of trustees and for annual election of trustees thereafter; providing for removal of trustees and appointment to fill vacancies; providing for the assessment and collection of a recreation district tax assessed against each improved residential parcel of real property within the district; providing that such district tax shall be a lien against each parcel of land so assessed and for the method of collecting such tax; providing for the deposit and disbursement of funds of the district; establishing a fiscal year and providing for publication of annual financial statements; authorizing the trustees of the district to issue bonds and other obligations of the district and to secure the same by pledge of tax revenues and other property of the district; authorizing the trustees of the district to acquire and dispose of real and personal property for the general purposes of the district; authorizing the trustees of the district to promulgate rules and regulations for the use of facilities of the district; providing conditions precedent to the filing of suit against the district or any of the trustees thereof; relieving individual trustees from personal liability for obligations of the district; defining terms; providing for a special referendum within the district before this act may become effective; providing for audit of district funds; providing an effective date.

On motions by Senator Knopke, by two-thirds vote, HB 4322 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Saylor
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 4321—A bill to be entitled An act relating to Hillsborough County; creating within said county the Brandon planning and zoning authority; describing the area of jurisdiction of the authority; providing for the election of members of the authority and for their respective terms of office; providing for the election of a chairman and for periodic meetings; providing general powers and duties of the authority; providing that members shall serve without compensation; granting the authority certain specific authorities with respect to zoning and planning within the Brandon area; providing for the Hillsborough County planning commission to serve the authority in an advisory capacity; providing that such authority is a valid county purpose; providing appropriations to the authority from the county; providing that actions of the authority have effect of county law; providing for the adoption of certain zoning classifications as the initial regulation to be administered by the authority; providing that this act shall supersede conflicting provisions of chapter 133, Florida Statutes; providing for a referendum.

On motions by Senator Knopke, by two-thirds vote, HB 4321 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Saylor
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 4406—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending §5 of chapter 23559, Laws of Florida, 1945, as amended by §4 of chapter 57-1900 and §2 of chapter 59-1922, Laws of Florida, relating to the pension or retirement system for disabled or retired employees; making the allowance of creditable service for military service optional with the employee upon certain terms and conditions; providing an effective date.

On motions by Senator Knopke, by two-thirds vote, HB 4406 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Sayler
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 4396—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending §7 of chapter 23559, Laws of Florida, 1945, as amended by §6 of chapter 57-1900, §3 of chapter 59-1922, and §2 of chapter 67-2115, all Laws of Florida, relating to the pension or retirement system for disabled or retired employees of the city; providing for and prescribing the pension status and the terms and conditions of reinstatement in the pension plan of former members thereof who are reemployed by the City of Tampa after such members have elected to take a deferred proportionate pension; providing an effective date.

On motions by Senator Knopke, by two-thirds vote, HB 4396 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Sayler
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

Consideration of HB 4449 was deferred.

HB 4450—A bill to be entitled An act relating to Pinellas County; creating a countywide police standards council; setting forth the purposes, membership, powers and duties; providing that the council shall study and make recommendations to the legislature with regard to proposed standards relating to facilities, equipment and manpower and minimum standards in connection with the employment, compensation and training of police officers; providing an effective date.

On motions by Senator Ware, by two-thirds vote, HB 4450 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	Beaufort	Bishop	Peterson
Barrow	Bell	Boyd	Brantley

Broxson	Haverfield	Lewis (43rd)	Stolzenburg
Childers	Henderson	McClain	Trask
Daniel	Hollahan	Myers	Ware
Deeb	Horne	Plante	Weber
de la Parte	Johnson (29th)	Pope	Weissenborn
Ducker	Johnson (34th)	Poston	Williams
Fincher	Karl	Reuter	Wilson
Gong	Knopke	Saunders	
Graham	Lane	Sayler	
Gunter	Lewis (33rd)	Scarborough	

Nays—None

Consideration of HB 4451 was deferred.

HB 4355—A bill to be entitled An act relating to the City of Lakeland, Polk County; authorizing the city commission to establish by ordinance a cemetery perpetual care fund for the city; prescribing the powers of the trustees of such fund; prescribing the qualifications of the trustees and their method of selection; providing an effective date.

On motions by Senator Trask, by two-thirds vote, HB 4355 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Sayler
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 4370—A bill to be entitled An act relating to Sarasota County; providing for the establishment of a special lighting district to be known as Warm Mineral Springs Lighting District, No. 1, amending Chapter 70-929, Laws of Florida, by changing the described area of said district so as to provide for the inclusion of the below described parcels of real estate, which are adjoining and contiguous to the present boundaries of the Warm Mineral Springs Lighting District, No. 1; providing an effective date.

On motions by Senator Henderson, by two-thirds vote, HB 4370 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Sayler
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 4430—A bill to be entitled An act relating to Manatee County, Florida amending the Manatee County Law Library Act, Chapter 61-2455, Laws of Florida, Special Acts of 1961, as amended by Chapter 63-1581, Laws of Florida, Special Acts of 1963, and Chapter 69-1283, Laws of Florida, Special Acts of 1969, providing for the establishment and maintenance of a Legal Aid Office in Manatee County, Florida; designating the Manatee County Bar Association, Inc., a non-profit Florida

corporation, to receive County funds; providing for the manner of raising funds and expenditure of such funds for legal aid services; declaring the legal aid program to be a County purpose; prescribing an annual audit of the Manatee County Legal Aid Fund; and providing for an effective date.

On motions by Senator Boyd, by two-thirds vote HB 4430 was read the second time by title, and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Sayler
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 4428—A bill to be entitled An act relating to the City of Clearwater, Pinellas County; providing for the recording of maps or plats of lands in the city after approval by the city; providing an effective date.

On motions by Senator Ware, by two-thirds vote HB 4428 was read the second time by title, and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Sayler
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

Consideration of HB 4427 was deferred.

HB 4108—A Bill to be entitled An act relating to Palm Beach County; providing for an additional beverage license in such county, to be issued to Everglades Lodge #1323 I.B.P.O.E. of W., Inc., a Non-profit Florida Corporation in Belle Glade; providing for an effective date.

On motions by Senator Lewis (33rd), by two-thirds vote HB 4108 was read the second time by title, and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—41

Arnold	Fincher	Lane	Scarborough
Barrow	Gong	Lewis (33rd)	Stolzenburg
Beaufort	Graham	Lewis (43rd)	Trask
Bell	Haverfield	McClain	Ware
Bishop	Henderson	Myers	Weber
Boyd	Hollahan	Plante	Weissenborn
Brantley	Horne	Pope	Williams
Daniel	Johnson (29th)	Poston	Wilson
Deeb	Johnson (34th)	Reuter	
de la Parte	Karl	Saunders	
Ducker	Knopke	Sayler	

Nays—4

Peterson	Broxson	Childers	Gunter
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HB 4338—A bill to be entitled An act relating to Okeechobee County, club alcoholic beverage licenses; excepting the Okeechobee Golf and Country Club, Inc., from the provisions of §561.20(6), Florida Statutes, insofar as the same relates to the number of such licenses that may be issued in Okeechobee County; excepting said club from the provisions of any other laws of general, special, or local nature relating to the number of licenses to be issued in said county; providing an effective date.

On motions by Senator Reuter, by two-thirds vote HB 4338 was read the second time by title, and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—41

Arnold	Fincher	Lane	Scarborough
Barrow	Gong	Lewis (33rd)	Stolzenburg
Beaufort	Graham	Lewis (43rd)	Trask
Bell	Haverfield	McClain	Ware
Bishop	Henderson	Myers	Weber
Boyd	Hollahan	Plante	Weissenborn
Brantley	Horne	Pope	Williams
Daniel	Johnson (29th)	Poston	Wilson
Deeb	Johnson (34th)	Reuter	
de la Parte	Karl	Saunders	
Ducker	Knopke	Sayler	

Nays—4

Peterson	Broxson	Childers	Gunter
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HB 4343—A bill to be entitled An act amending Chapter 57-1221, Special Acts of 1957, amending Section 3, relative to the appointment of three (3) persons to constitute membership in the lighting district and eliminating membership of the county commissioners therefrom, providing that all laws in conflict are repealed; providing an effective date.

On motions by Senator Henderson, by two-thirds vote HB 4343 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Sayler
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Peterson	Gunter	McClain	Weber
Boyd	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 4438—A bill to be entitled An act relating to Baker County, Florida, providing for a separate clerk for the County Court of Baker County, Florida; providing for the appointment of said clerk; providing for a salary for said clerk; providing for the payment therefore to be made by Baker County; providing for the powers and duties of said clerk, and providing for an effective date.

On motions by Senator Beaufort, by two-thirds vote HB 4438 was read the second time by title, and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—44

Arnold	Broxson	Gong	Johnson (29th)
Barrow	Childers	Graham	Johnson (34th)
Beaufort	Daniel	Gunter	Karl
Bell	Deeb	Haverfield	Knopke
Bishop	de la Parte	Henderson	Lane
Boyd	Ducker	Hollahan	Lewis (33rd)
Peterson	Fincher	Horne	Lewis (43rd)

McClain	Poston	Scarborough	Weber
Myers	Reuter	Stolzenburg	Weissenborn
Plante	Saunders	Trask	Williams
Pope	Saylor	Ware	Wilson

Nays—1

Brantley

Explanation of vote

Please record me as voting No on House Bill 4438 and House Bill 4394 for the following reasons:

Both of these bills seek to establish an appointive clerk of the county court. I am philosophically opposed to appointive positions. Further, this legislature in the extended session of next week, will be considering the full implementation of the judicial Article V as approved by the electors on March 14, 1972. In my opinion, that would be the proper time to determine the need for additional clerks in the several counties.

Lew Brantley, 8th District

HB 4413—A bill to be entitled An act relating to the City of Macclenny in Baker County; amending Chapter 24670, Laws of Florida, Special Acts 1947, by increasing the corporate limits of the City of Macclenny; providing for an effective date.

On motions by Senator Beaufort, by two-thirds vote HB 4413 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Saylor
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 4389—A bill to be entitled An act relating to the City of Titusville, Brevard County, Florida; amending section 1 of Special Acts of 1967, chapter 67-2138, Laws of Florida, by extending the city limits of the City of Titusville, Brevard County, Florida, to include the North Brevard Industrial Park and necessary roadway to connect existing city limits to the industrial park; update descriptions to include all petitions for annexations not previously included; and providing for an effective date.

On motions by Senator Reuter, by two-thirds vote HB 4389 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Saylor
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 4395—A bill to be entitled An act relating to Glades County; amending §§1 and 8 of chapter 71-456, Laws of Florida, to increase the jurisdiction of the small claims court of said county to include claims up to five hundred dollars (\$500); increasing filing fees for certain proceedings; confirming consistent action taken since June 25, 1971; providing an effective date.

On motions by Senator Johnson (34th), by two-thirds vote HB 4395 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Saylor
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 4344—A bill to be entitled An act creating a jury commission; prescribing the qualifications of jury commissioners and their method of appointment, powers, duties, salaries, functions and official terms; determining the number of jurors to be listed for jury duty; providing for the selection, listing and procurement of such jurors; providing an effective date.

On motions by Senator Henderson, by two-thirds vote HB 4344 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Saylor
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 4412—A bill to be entitled An act relating to Pinellas County, club alcoholic beverage licenses; excepting the Treasure Island Tennis and Yacht Club Corporation, Treasure Island, Florida, from the provisions of section 561.20(6), Florida Statutes, as the same relates to the number of such licenses that may be issued in Pinellas County; excepting said club from the provisions of any other laws of general, special, or local nature relating to the number of licenses to be issued in Pinellas County; providing an effective date.

On motions by Senator Ware, by two-thirds vote HB 4412 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—41

Arnold	Boyd	Ducker	Henderson
Barrow	Brantley	Fincher	Hollahan
Beaufort	Daniel	Gong	Horne
Bell	Deeb	Graham	Johnson (29th)
Bishop	de la Parte	Haverfield	Johnson (34th)

Karl Knopke	Myers Plante	Sayler Scarborough	Weissenborn Williams
Lane	Pope	Stolzenburg	Wilson
Lewis (33rd)	Poston	Trask	
Lewis (43rd)	Reuter	Ware	
McClain	Saunders	Weber	

was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl Knopke	Sayler
Barrow	Ducker	Lane	Scarborough
Beaufort	Fincher	Lewis (33rd)	Stolzenburg
Bell	Gong	Lewis (43rd)	Trask
Bishop	Graham	McClain	Ware
Boyd	Gunter	Myers	Weber
Peterson	Haverfield	Plante	Weissenborn
Brantley	Henderson	Pope	Williams
Broxson	Hollahan	Poston	Wilson
Childers	Horne	Reuter	
Daniel	Johnson (29th)	Saunders	
Deeb	Johnson (34th)		

Nays—4

Peterson	Broxson	Childers	Gunter
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Consideration of HB 4422 was deferred.

HB 4444—A bill to be entitled An act relating to the City of Panama City, Bay County; amending article I, section 2, and wards I and III of section 3 of chapter 63-1757, Laws of Florida, by redefining the municipal limits of the city and the related wards affected thereby; repealing all laws in conflict herewith; providing an effective date.

On motions by Senator Barron, by two-thirds vote HB 4444 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl Knopke	Sayler
Barrow	Ducker	Lane	Scarborough
Beaufort	Fincher	Lewis (33rd)	Stolzenburg
Bell	Gong	Lewis (43rd)	Trask
Bishop	Graham	McClain	Ware
Boyd	Gunter	Myers	Weber
Peterson	Haverfield	Plante	Weissenborn
Brantley	Henderson	Pope	Williams
Broxson	Hollahan	Poston	Wilson
Childers	Horne	Reuter	
Daniel	Johnson (29th)	Saunders	
Deeb	Johnson (34th)		

Nays—None

HB 4443—A bill to be entitled An act relating to the City of Panama City, Bay County; amending section 14, chapter 63-1756, Laws of Florida, relating to the civil service system of the city; excluding all temporary construction workers of the city for a period of one (1) year following date of their employment; repealing all laws in conflict herewith; providing an effective date.

On motions by Senator Barron, by two-thirds vote, HB 4443 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl Knopke	Sayler
Barrow	Ducker	Lane	Scarborough
Beaufort	Fincher	Lewis (33rd)	Stolzenburg
Bell	Gong	Lewis (43rd)	Trask
Bishop	Graham	McClain	Ware
Boyd	Gunter	Myers	Weber
Peterson	Haverfield	Plante	Weissenborn
Brantley	Henderson	Pope	Williams
Broxson	Hollahan	Poston	Wilson
Childers	Horne	Reuter	
Daniel	Johnson (29th)	Saunders	
Deeb	Johnson (34th)		

Nays—None

HB 4299—A bill to be entitled An act to provide for the adoption of a new charter for the City of Punta Gorda in Charlotte County, Florida; to define the territorial limits of said city; to prescribe the form of government for said city; to confer certain powers upon said municipality and its officers; to repeal chapter 63-1832, Laws of Florida, Special Acts of 1963, same being the former charter of the City of Punta Gorda, and all other laws and parts of laws in conflict with the provisions hereof; to provide for a referendum on this act and to provide for an effective date.

On motions by Senator Henderson, by two-thirds vote, HB 4299 was read the second time by title and, by two-thirds vote,

Nays—None

HB 4385—A bill to be entitled An act relating to Sarasota County, Pinecraft Lighting District; amending subsections (2) and (3) of §3 of chapter 71-911, Laws of Florida, to provide for the election of the commissioners of the lighting district; providing an effective date.

On motions by Senator Henderson, by two-thirds vote, HB 4385 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl Knopke	Sayler
Barrow	Ducker	Lane	Scarborough
Beaufort	Fincher	Lewis (33rd)	Stolzenburg
Bell	Gong	Lewis (43rd)	Trask
Bishop	Graham	McClain	Ware
Boyd	Gunter	Myers	Weber
Peterson	Haverfield	Plante	Weissenborn
Brantley	Henderson	Pope	Williams
Broxson	Hollahan	Poston	Wilson
Childers	Horne	Reuter	
Daniel	Johnson (29th)	Saunders	
Deeb	Johnson (34th)		

Nays—None

HB 4386—A bill to be entitled An act relating to Sarasota County, Pinecraft Fire Control District; amending subsections (2) and (3) of §3 of chapter 71-910, Laws of Florida, to provide for the election of the commissioners of the fire control district; providing an effective date.

On motions by Senator Henderson, by two-thirds vote, HB 4386 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl Knopke	Sayler
Barrow	Ducker	Lane	Scarborough
Beaufort	Fincher	Lewis (33rd)	Stolzenburg
Bell	Gong	Lewis (43rd)	Trask
Bishop	Graham	McClain	Ware
Boyd	Gunter	Myers	Weber
Peterson	Haverfield	Plante	Weissenborn
Brantley	Henderson	Pope	Williams
Broxson	Hollahan	Poston	Wilson
Childers	Horne	Reuter	
Daniel	Johnson (29th)	Saunders	
Deeb	Johnson (34th)		

Nays—None

HB 4464—A bill to be entitled An act relating to limiting the number of licenses which may be granted for the sale of intoxicating beverages to an incorporated city or town lying within the limits of Nassau County, Florida, by vendors operating places of business where beverages containing alcohol of more than 14 per centum by weight are sold and excepting from the ships, buses and airplanes obtaining licenses good throughout operation hereof all operators of railroads, sleeping cars, steam-

the State of Florida, under the Beverage Law of the State of Florida, and incorporated clubs, including social clubs, and caterers at horse or dog racing plants as defined in the Beverage Law of the State of Florida and owners of hotels, motels or motor courts of not less than fifty (50) guest rooms and restaurants seating not less than two hundred (200) patrons with four thousand (4,000) square feet and limiting beverage consumption to table service with food, and specifically excluding therefrom a cocktail lounge or open bar, providing that any such licenses issued to any said hotels, motels, motor courts, or restaurants owner shall only license such sale in any such hotels, motels, motor courts or restaurants and shall not be transferable except to a bona fide purchaser of said hotels, motels, motor courts or restaurants, and providing that the act shall not prevent or prohibit renewal of any licenses heretofore issued, providing an effective date.

On motions by Senator Brantley, by two-thirds vote, HB 4461 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—41

Arnold	Fincher	Lane	Scarborough
Barrow	Gong	Lewis (33rd)	Stolzenburg
Beaufort	Graham	Lewis (43rd)	Trask
Bell	Haverfield	McClain	Ware
Bishop	Henderson	Myers	Weber
Boyd	Hollahan	Plante	Weissenborn
Brantley	Horne	Pope	Williams
Childers	Johnson (29th)	Poston	Wilson
Deeb	Johnson (34th)	Reuter	
de la Parte	Karl	Saunders	
Ducker	Knopke	Saylor	

Nays—4

Peterson	Broxson	Daniel	Gunter
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HB 4373—A bill to be entitled An act relating to the Monroe County Waste Collection and Disposal District; creating, establishing, organizing and constituting said district; defining the territorial boundaries of the new district; providing for the governing body of the district; defining its powers and duties; designating the number of supervisors for such district; naming the first board of supervisors; providing for the acquisition, construction and maintenance of improvements; providing for the levy of taxes and assessments and the collection and enforcement thereof for its operation; providing for the issuance of bonds or other evidences of indebtedness to pay for costs of improvements; providing for the financing of improvements; providing an effective date.

On motions by Senator Stolzenburg, by two-thirds vote, HB 4373 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Saylor
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 4441—A bill to be entitled An act relating to Columbia County, Florida, providing for a separate Clerk for the County Court of Columbia County. Contingent upon the adoption of a new Article V to the Florida Constitution, providing for the appointment of the Clerk and staff, providing a budget to finance the Court, providing for the powers and duties of the Clerk and Deputy Clerks and providing for an effective date.

On motions by Senator Bishop, by two-thirds vote, HB 4441 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Saylor
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 4445—A bill to be entitled An act relating to the City of Panama City, Bay County; establishing a Central Panama City Planning and Parking Authority; providing for the appointment and election of members to the authority, their terms in office, their qualifications to hold office in the authority, the duties, responsibilities and compensation of such members; providing for the maintenance of the board, the collection of revenue from on and off street parking, the hiring of personnel, and the development of new facilities; providing an effective date.

On motions by Senator Barron, by two-thirds vote, HB 4445 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Saylor
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 4399—A bill to be entitled An act relating to Hamilton county; providing for the creation of a clerk for the county court of Hamilton county, contingent upon the approval of a new article V of the state constitution; providing for the method of appointment of the clerk and staff, the term of office, and budget procedures; providing for the powers and duties of the clerk and deputy clerks; providing an effective date.

On motions by Senator Bishop, by two-thirds vote, HB 4399 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Saylor
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 4448—A bill to be entitled An act pertaining to local government in the Town of North Redington Beach; amending its Charter in respect to form of government, elective officers and elections; providing for a referendum election to be held to determine whether or not the Act shall take effect and, the effective date thereof; and repealing all laws and parts of law in conflict herewith.

On motions by Senator Ware, by two-thirds vote, HB 4448 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Saylor
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 4398—A bill to be entitled An act relating to Suwannee county; providing for the creation of a clerk for the county court of Suwannee county, contingent upon the approval of a new article V of the state Constitution; providing for the method of appointment of the clerk and staff, the term of office, and budget procedures; providing for the powers and duties of the clerk and deputy clerks; providing an effective date.

On motions by Senator Brantley, by two-thirds vote, HB 4398 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Saylor
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 4459—A bill to be entitled An act relating to Clay County Development Authority; amending Section 4 of Chapter 57-1226, Laws of Florida as amended by Chapter 63-1223, Laws of Florida, providing for staggered terms of members; amending Section 6 of Chapter 57-1226, Laws of Florida, providing the number of members necessary to constitute a quorum; and amending Section 9 of Chapter 57-1226, Laws of Florida; providing for issuance of bonds and revenue certificates; providing an effective date.

On motions by Senator Saunders, by two-thirds vote, HB 4459 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	Childers	Haverfield	Lewis (33rd)
Barrow	Daniel	Henderson	Lewis (43rd)
Beaufort	Deeb	Hollahan	McClain
Bell	de la Parte	Horne	Myers
Bishop	Ducker	Johnson (29th)	Plante
Boyd	Fincher	Johnson (34th)	Pope
Peterson	Gong	Karl	Poston
Brantley	Graham	Knopke	Reuter
Broxson	Gunter	Lane	Saunders

Saylor	Trask	Weissenborn	Wilson
Scarborough	Ware	Williams	
Stolzenburg	Weber		

Nays—None

HB 4394—A bill to be entitled An act to provide for a clerk and deputy clerks of the County Court in Nassau County, providing for the method of appointment, term of office, and that compensation shall be provided for in the annual budget of the County Court; providing that all laws or parts of laws in conflict herewith are hereby repealed; and providing for an effective date.

On motions by Senator Beaufort, by two-thirds vote, HB 4394 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—44

Arnold	de la Parte	Johnson (34th)	Reuter
Barrow	Ducker	Karl	Saunders
Beaufort	Fincher	Knopke	Saylor
Bell	Gong	Lane	Scarborough
Bishop	Graham	Lewis (33rd)	Stolzenburg
Boyd	Gunter	Lewis (43rd)	Trask
Peterson	Haverfield	McClain	Ware
Broxson	Henderson	Myers	Weber
Childers	Hollahan	Plante	Weissenborn
Daniel	Horne	Pope	Williams
Deeb	Johnson (29th)	Poston	Wilson

Nays—1

Brantley

Explanation of vote

Please record me as voting No on House Bill 4438 and House Bill 4394 for the following reasons:

Both of these bills seek to establish an appointive clerk of the county court. I am philosophically opposed to appointive positions. Further, this legislature in the extended session of next week, will be considering the full implementation of the judicial Article V as approved by the electors on March 14, 1972.

In my opinion, that would be the proper time to determine the need for additional clerks in the several counties.

Lew Brantley, 8th District

HB 4457—A bill to be entitled An act to amend Section 1, of Article II, of Chapter 57-1314, Laws of Florida, Special Acts of 1957, being the Charter of the City of Eustis, Lake County, Florida, and all acts amendatory and supplemental thereto; providing for a re-definition of the corporate limits of said city; providing that the property within said territory and extension shall be liable for its proportionate share of the existing and future indebtedness of the said city; and providing an effective date.

On motion by Senator Daniel, by two-thirds vote HB 4457 was read the second time by title.

On motion by Senator Karl the following amendment was adopted:

Amendment 1—On page 50, line 30, insert the following: AND ALSO the northwest quarter of the northeast quarter of the northwest quarter of section 23, township 19 south, range 26 east.

On motion by Senator Daniel, by two-thirds vote HB 4457 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Sayler
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 4454—A bill to be entitled An act to establish a local government study commission in Palm Beach county, Florida, to study the structure, functions and operations of all governmental units and bodies located within the said county, including the county government, municipal governments, public bodies, corporate, and all offices, agencies, commissions, boards, authorities and other subdivisions thereof; to determine the need if any, for consolidation, separation, addition, removal or other revision of such structures, functions and operations; to determine whether tax savings can be made and whether efficiency can be gained through such revision of such local governmental structures, functions and operations; to provide that said commission may draft a plan or plans for any solution of problems disclosed as a result of such study and submit the same to the members of the Florida Legislature from Palm Beach county; to provide for the designation of the members of such commission and to provide a method of filling vacancies; to provide for the organizations and terms of such commission, prescribing its duties and powers; to provide for appropriations from Palm Beach county for the payment of the cost of operation of such commission; providing an effective date.

On motions by Senator Lewis (33rd), by two-thirds vote, HB 4454 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Sayler
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 3903—A bill to be entitled An act relating to Hillsborough County, office of public defender; providing for compensation for the public defender; providing an effective date.

On motions by Senator McClain, by two-thirds vote, HB 3903 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Sayler
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 4356—A bill to be entitled An act relating to the City of Lakeland, Polk County; amending §151, chapter 59-1481, Laws of Florida, to change the age of qualified electors to eighteen (18) years and changing the durational residency requirements for electors; providing an effective date.

On motions by Senator Peterson, by two-thirds vote, HB 4356 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Sayler
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 4442—A bill to be entitled An act creating a separate clerk for the County Court of Holmes, Walton, Santa Rosa, and Gadsden County. Contingent upon the adoption of a new Article V to the Florida Constitution, providing for the appointment of the Clerk and staff, providing a budget to finance the Court, providing for the powers and duties of the Clerk and Deputy Clerks, and providing an effective date.

On motions by Senator Horne, by two-thirds vote, HB 4442 was read the second time by title, and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Sayler
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 4374—A bill to be entitled An act relating to Escambia County dividing the duties of the clerk of the circuit court between two officers, one serving as clerk of the circuit court and county court and one to be known as county comptroller and serving as ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds and providing for election of said officers, their duties and compensation; providing an effective date.

On motions by Senator Broxson, by two-thirds vote, HB 4374 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	Daniel	Hollahan	Myers
Barrow	Deeb	Horne	Plante
Beaufort	de la Parte	Johnson (29th)	Pope
Bell	Ducker	Johnson (34th)	Poston
Bishop	Fincher	Karl	Reuter
Boyd	Gong	Knopke	Saunders
Peterson	Graham	Lane	Sayler
Brantley	Gunter	Lewis (33rd)	Scarborough
Broxson	Haverfield	Lewis (43rd)	Stolzenburg
Childers	Henderson	McClain	Trask

Ware **Weissenborn** **Williams** **Wilson**
Weber
 Nays—None

HB 4273—A bill to be entitled An act creating and establishing the Brevard County Expressway Authority; providing definitions of terms; providing for members thereon; providing purposes and powers for said authority; providing for the issuance of bonds, the security for payment thereof and remedies of bondholders; providing an effective date.

On motions by Senator Reuter, by two-thirds vote, HB 4273 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Saylor
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 3976—A bill to be entitled An act relating to the Titusville-Cocoa Airport District; amending Section 9 of Chapter 63-1143, Laws of Florida, to give the board of county commissioners of Brevard County, Florida, the power to approve and increase or reduce the annual budget of the district; amending Section 8(f) and 8(g) of Chapter 63-1143, Laws of Florida, to provide that the power of the District to issue bonds shall be subject to the prior approval of the board of county commissioners of Brevard County, Florida; and providing an effective date.

On motions by Senator Reuter, by two-thirds vote, HB 3976 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Saylor
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 4369—A bill to be entitled An act relating to Sarasota County; amending Section 6 of Chapter 59-1832, Special Acts of 1959; providing for the collection of additional cost in civil actions commenced in the circuit court in and for Sarasota County, in civil actions commenced in the county court, in civil and in probate and guardianship matters commenced in the county judge's court in and for Sarasota County; providing an effective date.

On motions by Senator Henderson, by two-thirds vote, HB 4369 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	Beaufort	Bishop	Peterson
Barrow	Bell	Boyd	Brantley

Broxson	Haverfield	Lewis (43rd)	Stolzenburg
Childers	Henderson	McClain	Trask
Daniel	Hollahan	Myers	Ware
Deeb	Horne	Plante	Weber
de la Parte	Johnson (29th)	Pope	Weissenborn
Ducker	Johnson (34th)	Poston	Williams
Fincher	Karl	Reuter	Wilson
Gong	Knopke	Saunders	
Graham	Lane	Saylor	
Gunter	Lewis (33rd)	Scarborough	

Nays—None

HB 4453—A bill to be entitled An act relating to the City of Crestview, Okaloosa County; authorizing said city to annex contiguous unincorporated tracts of land upon agreement of real property owners of such tracts and regardless of the number of residents or electors residing in such tracts; authorizing said city to annex such territory by ordinance subject to approval by separate vote in the territory to be annexed and in the municipality; directing the supervisor of elections of Okaloosa County to cooperate in the conduct of annexation elections by the city; providing an effective date.

On motions by Senator Barrow, by two-thirds vote, HB 4453 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Saylor
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 4461—A bill to be entitled An act relating to the City of Crestview, Okaloosa County; amending subsection (B) of section 19 and subsection (A) of section 20 of chapter 63-1249, Laws of Florida, to authorize the issuance of revenue certificates or like certificates of indebtedness without approval by election and upon the approval of the mayor and the unanimous affirmative vote of the members of the council; requiring an election absent such approval and unanimous vote; providing that the ordinance providing for such election shall be passed by a unanimous vote of the members of the council; amending section 21 of chapter 63-1249, Laws of Florida, to prohibit the expenditure of proceeds of a bond issue or revenue certificate for any project to be constructed outside the city limits; providing an effective date.

On motions by Senator Barrow, by two-thirds vote, HB 4461 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Saylor
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 4414—A bill to be entitled An act relating to Brevard County, Florida; providing for the creation of a special tax district for the establishment, operation and maintenance of a free public library within boundaries co-terminous with the boundaries of Brevard County; providing for the levy of a tax not to exceed one (1) mill on all taxable property within said special tax district for said library purposes; granting the board of county commissioners of Brevard County the power to establish and enforce by ordinance standards, rules and regulations for the establishment, operation and maintenance of said free public library within said special tax district; providing said act shall become effective upon approval by referendum of said special district millage.

On motions by Senator Reuter, by two-thirds vote, HB 4414 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Sayler
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

HB 4426—A bill to be entitled An act establishing the Lake Worth Downtown Development Authority as a body corporate and designating its functions as municipal; delineating the boundaries of the downtown area; prescribing the number, qualifications, term and methods of appointment and removal of members; providing for filling vacancies in office, for service without compensation, for reimbursement of expenses, for bonding and for personal liability in certain instances; providing for bylaws and internal government of the Authority; prescribing its functions and powers, including powers to acquire, own, lease and dispose of property, to request the City of Lake Worth to exercise its eminent domain power for the benefit of the Authority, to issue, sell, and provide security for revenue certificates, to borrow on short term, to fix, regulate, and collect rates and charges, to maintain offices, to employ and prescribe the duties, authority, tenure, compensation, and expense reimbursement of a director and other staff, and to exercise all necessary incidental powers; levying in each fiscal year an ad valorem property tax not exceeding one mill to finance Authority operations; providing for assessment and collection thereof by the City; subject to compensation to it for services rendered to the Authority; requiring maintenance of records, budget and fiscal control, for bidding participation on behalf of the Authority by personnel financially interested in the matter involved; exempting Authority property from taxation to the extent of City property exemption; providing for succession by the City to the property and certain functions of the Authority if it ceases to exist or operate; regulating issuance of Authority revenue certificates; prescribing scope of this Act; and providing for its liberal construction, severability and effective date.

On motions by Senator Lewis (33rd), by two-thirds vote, HB 4426 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	Broxson	Graham	Karl
Barrow	Childers	Gunter	Knopke
Beaufort	Daniel	Haverfield	Lane
Bell	Deeb	Henderson	Lewis (33rd)
Bishop	de la Parte	Hollahan	Lewis (43rd)
Boyd	Ducker	Horne	McClain
Peterson	Fincher	Johnson (29th)	Myers
Brantley	Gong	Johnson (34th)	Plante

Pope	Sayler	Ware	Wilson
Poston	Scarborough	Weber	
Reuter	Stolzenburg	Weissenborn	
Saunders	Trask	Williams	

Nays—None

Consideration of CS for HB 4236 was deferred.

HB 3269—A bill to be entitled An act relating to Monroe County; amending §1 of chapter 63-1629, Laws of Florida, entitled "An act authorizing and empowering the board of county commissioners of Monroe County by resolution to require that lands in the unincorporated area of said county be cleared of debris and any noxious material; providing for demand upon property owners for such clearance; authorizing said board to clear said land upon failure of the owner to comply with such demand and to assess a lien against the land for the cost of such clearance; providing for filing and recording of notice of lien and for foreclosure; providing an effective date," to include land excluded from the provisions of said law; providing an effective date.

—was read the second time by title.

On motion by Senator Weber, the following amendment was adopted:

Amendment 1—

On page 2, lines 5 and 6 strike "and outside of subdivisions"

On motion by Senator Weber, by two-thirds vote HB 3269 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Sayler
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

On motion by Senator Hollahan, the Senate proceeded to the consideration of—

EXECUTIVE BUSINESS

On motion by Senator Hollahan, the rules were waived and the Senate took up in open Session the following report:

Honorable Jerry Thomas
President
The Florida Senate
The Capitol

March 29, 1972

Dear Mr. President:

Your Standing Committee on Governmental Efficiency to which was referred for consideration the following appointments subject to confirmation by the Senate:

NAME OFFICE FOR TERM ENDING

Appointment by the Board of Business Regulation:

Winston W. Wynne Director, Division of Beverage, Department of Business Regulation
 Coral Gables Pleasure of the Board of Business Regulation

Appointments by the Governor:

Paul Bruno Member, Escambia County Electronic Data Processing Management Board
 Pensacola October 23, 1975

G. P. Clarkson Member, Escambia County Electronics Data Processing Management Board
 Pensacola October 18, 1975

John H. Schill Member, Escambia County Electronic Data Processing Management Board
 Pensacola October 16, 1975

Jesse V. Jackson Member, Fire Fighters Standards Council, State of Florida Department of Community Affairs
 Orlando September 15, 1973

Charles Robinette Member, Fire Fighters Standards Council, State of Florida Department of Community Affairs
 Tallahassee September 14, 1974

Raymond C. Sittig Member, Fire Fighters Standards Council, State of Florida Department of Community Affairs
 Tallahassee September 10, 1974

Lawrence L. Kenney Member, Fire Fighters Standards Council, State of Florida Department of Community Affairs
 Miami October 7, 1972

Johnny Dampier, Jr. Member, Fire Fighters Standards Council, State of Florida Department of Community Affairs
 Gainesville September 24, 1973

—having met, and after full inquiry, hereby tenders as the recommendation of this Committee that the Senate do advise and consent, and approve the aforesaid appointments.

Respectfully submitted,

C. Welborn Daniel, Chairman Edmond J. Gong, Vice Chairman
 Richard J. Deeb Kenneth Plante
 George L. Hollahan, Jr. Harold Wilson
 Mallory E. Horne

On motions by Senator Daniel, the report of the committee was adopted, the rules were waived and the Senate in open

session advised and consented to and approved the aforesaid appointments, as contained and set forth in the foregoing report. The vote was:

Yeas—45

Arnold	Deeb	Johnson (34th)	Sayler
Barron	de la Parte	Karl	Scarborough
Barrow	Ducker	Knopke	Stolzenburg
Beaufort	Fincher	Lane	Trask
Bell	Gong	Lewis (33rd)	Ware
Bishop	Graham	Lewis (43rd)	Weber
Boyd	Gunter	McClain	Weissenborn
Peterson	Haverfield	Myers	Williams
Brantley	Henderson	Plante	Wilson
Broxson	Hollahan	Poston	
Childers	Horne	Reuter	
Daniel	Johnson (29th)	Saunders	

Nays—None

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:08 p.m. to reconvene at 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:00 p.m. A quorum present—48:

Mr. President	Daniel	Johnson (29th)	Poston
Arnold	Deeb	Johnson (34th)	Reuter
Barron	de la Parte	Karl	Saunders
Barrow	Ducker	Knopke	Sayler
Beaufort	Fincher	Lane	Scarborough
Bell	Gong	Lewis (33rd)	Stolzenburg
Bishop	Graham	Lewis (43rd)	Trask
Boyd	Gunter	McClain	Ware
Peterson	Haverfield	Myers	Weber
Brantley	Henderson	Ott	Weissenborn
Broxson	Hollahan	Plante	Williams
Childers	Horne	Pope	Wilson

By direction of the President, the following report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR SB 498

The Honorable Jerry Thomas President of the Senate March 28, 1972

The Honorable Richard A. Pettigrew Speaker, House of Representatives

Sirs:

Your conference committee on the disagreeing votes of the two houses on CS for SB 498, same being:

An act relating to the public health, creating the Health Maintenance Organization Act; setting forth legislative intent, findings and purposes; establishing definitions; requiring health maintenance organizations to obtain a charter; providing for the application, issuance and revocation of said charter; providing for notice, hearing and review; providing for an administrative fine in lieu of revocation; providing for examination by the department; providing for fees; providing for construction and relationship to other laws; setting forth minimum requirements for health maintenance contracts; providing procedures for change in charter; providing for acceptable payments from third parties; providing a prohibition of certain words in the name of the organization; providing procedures in event of emergency care; providing for investment of funds; providing for the promulgation of rules and regulations; providing a penalty; providing a severability clause; providing an effective date.

having met, and after full and free conference, do recommend to their respective Houses as follows:

1. That the House recede from Amendments Number 1, 2 and 3.
2. That the Senate and House of Representatives adopt the conference committee amendments attached hereto and by reference made a part of this report.

Kenneth M. Myers
Louis de la Parte, Jr.
Frederick B. Karl
David C. Lane

William M. Gillespie
Kenneth M. MacKay, Jr.
Richard S. Hodes
William O. Birchfield

Managers on the part of the Senate

Managers on the part of the House of Representatives

Conference Committee Amendment 1—On page 2, line 3 strike everything after the enacting clause and insert: Chapter 641, Florida Statutes, is amended by adding Part II to said chapter, to read:

Part II

Health Maintenance Organizations

Section 1. This act shall be known and may be cited as the "health maintenance organization act".

Section 2. Declaration of legislative intent, findings and purposes.—

(1) Faced with the continuation of mounting costs of health care, coupled with the state's interest in high quality care, the legislature has determined that there is a need to explore alternative methods for the delivery of health care services, with a view toward achieving greater efficiency and economy in providing these services.

(2) Health maintenance organizations, consisting of prepaid health care plans, are rapidly developing in many communities. Through these organizations, structured in various forms, health care services are provided directly to a group of people who make regular premium payments.

(3) These plans, when properly operated, emphasize effective cost and quality controls. At the present time, there is no effective way to evaluate or control the quality of health care services provided by these organizations in Florida, or to determine their financial or actuarial stability.

(4) It shall be the policy of this state to:

(a) eliminate legal barriers to the organization, promotion and expansion of comprehensive prepaid health care plans;

(b) prescribe regulations of the fiscal aspects of such health care plans by the department of insurance and the quality of health care by the department of health and rehabilitative services; and

(c) recognize that prepaid comprehensive health care plans shall be exempt from operation of the insurance laws of this state except in the manner and to the extent set forth in this act.

(5) While it is the intent of this act to provide an opportunity for the development of health maintenance organizations, there is no intention to impair the present system of delivery of health services.

Section 3. Definitions.—As used in this section:

(1) "Department" means the department of insurance or a person properly designated to act in its place.

(2) "Health maintenance organization" means any organization authorized under this act which:

(a) Provides, either directly or through arrangements with others, health care services to persons enrolled with such organization on a prepaid per capita or prepaid aggregate fixed sum basis;

(b) Provides, either directly or through arrangements with other persons, corporations, institutions, associations or entities, those health care services which subscribers might reasonably require in order to be maintained in good health;

(c) Provides physician services directly through physicians, who are either employees or partners of such organization, or under arrangements with a physician or any group of physicians;

Minimum services shall include, but shall not necessarily be limited to emergency care, inpatient hospital and physician care, ambulatory diagnostic treatment, and preventive health care services.

(3) "Comprehensive health care services" means services, medical equipment and supplies furnished by a provider which may include, but are not limited to, medical, surgical and dental care; psychological, optometric, optic, podiatric, nursing, physical therapy services and pharmaceutical services; health education, preventive medical, rehabilitative and home health services; inpatient and outpatient hospital services, extended care, nursing home care, convalescent institutional care, laboratory and ambulance services, appliances, drugs, medicines and supplies; and any other care, service or treatment of disease, the correction of defects or the maintenance of the physical and mental well-being of human beings.

(4) "Health maintenance contract" means any contract entered into by a health maintenance organization authorized under this act with a subscriber or group of subscribers to provide comprehensive health care services in exchange for a prepaid per capita or prepaid aggregate fixed sum.

(5) "Subscriber" means an individual who has contracted, or on whose behalf a contract has been entered into, with a health maintenance organization for health care services.

(6) "Entity" means any legal entity with continuing existence, including but not limited to corporations, associations, trusts and partnerships.

(7) "Provider" means any physician, hospital, or other institution, organization, or person that furnishes health care services who is licensed or otherwise authorized to practice in the state.

Section 4. Health maintenance organizations authorized.—Any entity qualified under the provisions of this act, upon obtaining a certificate of authority as required in this act, may operate a health maintenance organization.

Section 5. Application for certificate.—Before any entity may operate a health maintenance organization, it must obtain a certificate of authority from the department. Each application to the department for such certificate shall be on such form as the department shall prescribe, and shall set forth or be accompanied by the following:

(1) A copy of the basic organizational document of the applicant, if any, such as the articles of incorporation, articles of association, partnership agreement, trust agreement, or other applicable document, and all amendments thereto;

(2) A copy of the bylaws, rules and regulations or similar form of document, if any, regulating the conduct of the affairs of the applicant;

(3) A list of the names, addresses, and official capacity with the organization of the persons who are to be responsible for the conduct of the health maintenance organization's affairs, including all members of the governing body, the officers and directors in the case of a corporation, and the partners or associates in the case of a partnership or association; such persons shall fully disclose to the department and the governing body of the health maintenance organization, the extent and nature of any contracts or arrangements between them and the health maintenance organization, including any possible conflicts of interest;

(4) A statement generally describing the health maintenance organization, its operations, the location of the facilities at which comprehensive health care services will be regularly available to subscribers, the type of health care personnel engaged to provide the comprehensive health care services, and the quantity of personnel in each type;

(5) Forms of all health maintenance contracts the applicant proposes to offer the subscribers showing the benefits to which they are entitled, together with a table of the rates charged, or proposed to be charged for each form of such contract;

(6) A statement describing with reasonable certainty the geographic area or areas to be served by the health maintenance organization;

(7) A statement of the assets and liabilities of the entity.

Section 6. Issuance of certificate of authority.—The department shall issue a certificate of authority within sixty (60) days of the filing of the application, to any entity filing an application in conformity with Section 5 upon payment of the prescribed fees and upon being satisfied that:

(1) such entity proposes to establish and operate a bona fide health maintenance organization having the capability to provide comprehensive health care services in the geographic area proposed. In this connection, the department shall receive, as a condition precedent to the issuance of any certificate of authority, a report from the department of health and rehabilitative services favorably recommending the establishment of the health maintenance organization, with sufficient documentary evidence to establish the need for the health maintenance organization's services in the area proposed.

(2) based upon accounting procedures acceptable to it, the proposed health care delivery plan is actuarially sound and the health maintenance organization has adequate working capital. These requirements may be satisfied by a finding of the department that the health maintenance organization has made acceptable arrangements to provide all health care services offered.

(3) the terms of the contracts such entity proposes to offer to subscribers will in fact assure that the comprehensive health care services required by such subscribers will be rendered under reasonable standards of quality of care as certified by the department of health and rehabilitative services.

(4) the procedures for offering comprehensive health care services and offering and terminating contracts to subscribers will not unfairly discriminate on the basis of age, sex, race, health or economic status; providing, however, this section shall not prohibit reasonable underwriting classifications for the purposes of establishing contract rates nor shall it prohibit experience rating.

(5) the entity furnishes evidence of adequate insurance coverage or an adequate plan for self-insurance to respond to claims for injuries arising out of the furnishing of comprehensive health care.

(6) the entity has provided, through contract or otherwise, for periodic review of its medical facilities and services.

Section 7. Revocation of certificate of authority.—The department may revoke any certificate issued pursuant to this act if it finds that any one of the following conditions exists:

(1) A health maintenance organization is not operating in compliance with this act, or is in substantial violation of its health maintenance contracts as certified by the department of health and rehabilitative services;

(2) Such organization is unable to fulfill its obligations under outstanding health maintenance contracts entered into with its subscribers as certified by the department of health and rehabilitative services;

(3) Based upon accounting procedures acceptable to the department, the plan is no longer actuarially sound or that the health maintenance organization does not have adequate working capital;

(4) The existing contract rates are excessive, inadequate or unfairly discriminatory; or

(5) The health maintenance organization has advertised or merchandised or attempted to merchandise its services in such a manner as to misrepresent its services or capacity for service, or has engaged in deceptive, misleading, or unfair practices with respect to advertising or merchandising.

Section 8. Notice, hearing and review.—When the department has reasonable cause to believe that grounds for the denial or revocation of a certificate exists, it shall notify the health maintenance organization and the department of health and rehabilitative services in writing stating the grounds upon which the department believes the certificate should be denied or revoked. The applicant may, within fifteen (15) days from receipt of such notice, request a hearing. The hearing procedures shall be in conformance with chapter 120, Florida Statutes. Appellate review may be had by either a trial de novo in the circuit court of the circuit where the principal office of the applicant is located, or by certiorari pursuant to the provisions of chapter 120, Florida Statutes. A representative of the department of health and rehabilitative services shall be in attendance at the hearing and shall participate in the proceedings. The recommendations and findings of the department of health and rehabilitative services with respect to matters relating to the quality and nature of health care services being provided, in connection with any decision regarding denial or revocation of a charter, shall be conclusive and binding upon the department.

Section 9. Administrative fine in lieu of revocation.—The department may, in lieu of revocation, levy an administrative penalty in an amount not less than one hundred (\$100.00) dollars nor more than ten thousand (\$10,000.00) dollars, provided that reasonable notice in writing is given of the intent to levy the fine and the organization has a reasonable time within which to remedy the defect in its operations which gave rise to the penalty citation. The department may augment this penalty by an amount equal to the sum that the department calculates to be the damages suffered by subscribers or other members of the public.

Section 10. Annual report.—Every health maintenance organization authorized under this act shall annually on or before the first day of March, file a verified report with the department, with a copy to the department of health and rehabilitative services, showing its condition on the last day of the preceding calendar year, on forms prescribed by the department. Such report shall include:

(1) A financial statement of the organization, including its balance sheet and receipts and disbursements for the preceding year;

(2) A list of the names and residence addresses of all persons responsible for the conduct of its affairs, together with a disclosure of the extent and nature of any contracts or arrangements between such persons and the health maintenance organization, including any possible conflicts of interest;

(3) The number of health maintenance contracts issued and outstanding and the number of health maintenance contracts terminated and a compilation of the reasons for such terminations in each case;

(4) A description by location and specialty of the providers retained or otherwise engaged by the organization to satisfy its contractual obligations with its subscribers;

(5) Such statistical information as shall be requested by the departments reflecting the health maintenance organizations's rates for all comprehensive health care services provided under health maintenance contracts;

(6) The number and amount of damage claims for medical injury initiated against the health maintenance organization and any of the providers engaged by it during the reporting year, broken down into claims with and without formal legal process, and the disposition, if any, of each such claim; and

(7) Such other information relating to the performance of health maintenance organizations as shall be required by the department.

Section 11. Examination by the department.—The department may make an examination of the fiscal affairs of any health maintenance organization subject to this act, as often as it deems it expedient for the protection of the interests of the people of this state but not less frequently than once every three years. The department of health and rehabilitative services may conduct periodic examinations regarding the quality of health care services being provided by the organization. Every health maintenance organization, its officers, and its agents shall submit their books and records relating to the health maintenance organization to such examinations and in every

way facilitate them. Medical records of individuals and records of physicians providing service under contract to the health maintenance organization, however, shall not be subject to audit, although they may be subject to subpoena by court order upon a showing of good cause. For the purpose of examinations, the respective departments may administer oaths to and examine the officers and agents of a health maintenance organization concerning its business and affairs. The expenses of examination of each health maintenance organization by the department or by the department of health and rehabilitative services shall be paid by the organization. In no event shall expenses of examination exceed a maximum of ten thousand (\$10,000.00) dollars per year. Any rehabilitation, liquidation, conservation, or dissolution of a health maintenance organization shall be conducted under the supervision of the department which shall have all power with respect thereto granted to it under the laws governing the rehabilitation, liquidation, conservation, or dissolution of life insurance companies.

Section 12. Liability of officers.—Any person who is an officer or principal managing director of the affairs of a health maintenance organization shall be fully and personally liable and accountable for any violations of the provisions of this act, by himself or by persons under this control. Provided, however, it is not intended through this legislation to modify the existing law of Florida regarding personal or corporate liability for negligence or medical malpractice.

Section 13. Fees.—Every organization subject to the provisions of this act shall pay to the department the following fees:

(1) For filing a copy of its application for a certificate of authority or amendment thereto, one hundred fifty (\$150.00) dollars;

(2) For filing each annual report, one hundred fifty (\$150.00) dollars.

Fees charged under this section shall be distributed as follows: one third to the department of health and rehabilitative services and two thirds to the department.

Section 14. Construction and relationship to other laws.—Except as otherwise provided in this act, the Florida insurance code shall not apply to health maintenance organizations, and health maintenance organizations certificated under the provisions of this act shall not be subject to part I of chapter 641, Florida Statutes.

Solicitation of subscribers by a duly certificated health maintenance organization or its representatives shall not be construed to be violative of any provisions of law relating to solicitation or advertising by health professionals.

Section 15. Health maintenance contracts.—

(1) Any entity issued a certificate and otherwise in compliance with this act may enter into contracts in this state to provide an agreed upon set of comprehensive health care services to subscribers or groups of subscribers in exchange for a prepaid per capita or prepaid aggregate fixed sum.

(2) The rates charged by any health maintenance organization to its subscribers shall not be excessive, inadequate, or unfairly discriminatory. The department may define by rule and regulation what constitutes excessive, inadequate or unfairly discriminatory rates and may require whatever information it deems necessary to determine that a rate or proposed rate meets the requirements of this subsection.

(3) If a health maintenance organization desires to amend any contract with its subscribers or desires to change any rate charged therefor it may do so, upon filing with the department any such proposed amendments or change in rates. Any such proposed change shall be effective immediately, subject to disapproval by the department within thirty (30) days from the date of filing; provided, however, it is not the intent of this subsection to unduly restrict the right to modify rates in the exercise of reasonable business judgment.

(4) Every health maintenance contract must clearly state all of the services to which a subscriber is entitled under the contract, and must include a clear and understandable statement of any limitations on the services or kinds of services to be provided, including any copayment feature required by the contract or by any insurer or entity which is underwriting any of the services offered by the health maintenance organization. The contract shall also state where and in what manner the comprehensive health care services may be obtained.

(5) Every subscriber shall receive a clear and understandable description of the health maintenance organization's method for resolving subscriber grievances.

(6) The rate of payment for a health maintenance contract shall be a part of the contract and shall be stated in individual contracts issued to subscribers.

Section 16. Acceptable payments.—Each health maintenance organization subject to this act may accept from governmental agencies, corporations, associations, groups or individuals, payments covering all or part of the cost of contracts entered into between the health maintenance organization and its subscribers.

Section 17. Certain words prohibited in name of organization.—

(1) No entity certificated as a health maintenance organization, other than a licensed insurer insofar as its name is concerned, shall use in its name contracts, or literature any of the words "insurance", "casualty", "surety", "mutual", or any other words descriptive of the insurance, casualty, or surety business or deceptively similar to the name or description of any insurance or surety corporation doing business in the state.

(2) No person, entity or health care plan not certificated under the provisions of this act shall use in its name, logo, contracts or literature the phrase "health maintenance organization" or the initials "HMO".

Section 18. Open enrollment.—

(1) The requirement of an open enrollment period is intended to provide the benefits of health maintenance organizations to the general public or to all members of the class of persons the organization serves; such requirement is not intended to restrict a health maintenance organization from establishing administrative procedures that protect the quality of service to its subscribers or the financial condition of such an organization. However, during periods of open enrollment the organization shall not establish any administrative procedure that arbitrarily restricts enrollment.

(2) After the initial twenty-four (24) months of operation a health maintenance organization shall have an annual open enrollment period of at least one (1) month during which it accepts up to the limits of its capacity and without restrictions, individuals in the order in which they apply for enrollment. Health maintenance organizations organized to provide services to a specified group of individuals may limit such open enrollment to all members of said group.

(3) During annual periods of open enrollment the health maintenance organization shall afford the opportunity of membership to new subscribers in an amount up to a maximum of ten (10%) percent of the total number of subscribers as at the end of the previous calendar year.

Section 19. Investment of funds.—The funds of any health maintenance organization subject to the provisions of this act shall be invested only in securities permitted by the laws of this state for the investment of assets of life insurance companies.

Section 20. Promulgation of rules and regulations.—The department, together with the department of health and rehabilitative services, on a joint basis, shall promulgate rules and regulations necessary to carry out the provisions of this act. The approval of both said departments is required as a condition to the implementation of any rule or regulation governing health maintenance organizations.

The department shall collect and make available in a single volume all health maintenance organization rules and regulations promulgated by the departments.

Section 21. Penalty.—Any person who violates the provisions of this act shall be guilty of a misdemeanor in the first degree, and shall be punished by a fine not exceeding one thousand (\$1,000.00) dollars or by imprisonment for a period not exceeding one (1) year, or by both such fine and imprisonment.

Section 22. Severability.—If any section, term, or provision of this act shall be adjudged invalid for any reason, such judge-

ment shall not affect, impair or invalidate any other section, term or provision of said act, but the remaining sections, terms and provisions shall be and remain in full force and effect.

Section 23. Operational health maintenance organization; issuance of certificate.—

(1) Any health maintenance organization in existence and operating as of January 1, 1972 in the state shall apply for and be entitled as of right to the issuance of a certificate. Such organization shall apply for said certificate within one hundred twenty (120) days after the effective date of this act, submitting with such application the information required under section 5 above, together with a filing fee in the amount of one hundred fifty (\$150.00) dollars.

(2) The provisions of this act shall not apply to those organizations providing the services defined in this act which have been engaged in providing said services for a period of twenty-five (25) years or more. Such exemption, however, shall terminate upon a change in controlling ownership of the organization.

Section 24. Section 641.01, Florida Statutes, is amended to read:

641.01 Definition or scope.—Any five or more persons wishing to form a corporation for the purpose of establishing, maintaining and operating a nonprofit medical and/or surgical and/or hospital service plan or plans in the state, whereby medical and/or surgical and/or hospital service or care may be provided in whole or in part by the said corporation, or by physicians and/or surgeons and/or hospitals participating in such service plan or plans, to such of the public as become subscribers to said plan or plans under a contract or contracts with such corporation may become incorporated under laws of Florida governing the incorporation of benevolent or charitable associations and similar corporations not for profit, and any such corporation heretofore or hereafter incorporated whose charter or certificate of incorporation has or shall have the consent or approval of the department of insurance, shall be governed by this law and subject to regulation and supervision by the department of insurance and all provisions of the laws of Florida applicable to health and/or sick or accident insurance, except as otherwise provided by this chapter. The term "medical and/or surgical service plan" as used in this law, includes the contracting for the payment of fees toward, or furnishing of, professional services authorized or permitted to be furnished by a duly licensed doctor of medicine. *Health maintenance organizations defined in Part II of Chapter 641 shall organize under and be subject to the provisions of chapter 641, Part II.*

Section 25. Effective date.—This act shall take effect October 1, 1972.

Conference Committee Title Amendment 2—On page 1, lines 1—30 strike all of lines 1—30 and insert:

A bill to be entitled An act relating to the public health; amending chapter 641, Florida Statutes, by creating Part II, to be known as the Health Maintenance Organization Act; setting forth legislative intent, findings and purposes; establishing definitions; requiring health maintenance organizations to obtain a certificate of authority; providing for the application, issuance and revocation of said certificate; providing for notice, hearing and review; providing for an administrative fine in lieu of revocation; providing for an annual report; providing for examination by the department; providing for liability of officers; providing for fees; providing for construction and relationship to other laws; setting forth minimum requirements for health maintenance contracts; providing for acceptable payments from third parties; providing a prohibition of certain words in the name of the organization; providing for open enrollment; providing for investment of funds; providing for the promulgation of rules and regulations; providing a penalty; providing a severability clause; providing for issuance of certificate to operational health maintenance organizations under certain circumstances; providing an effective date.

On motion by Senator Myers, the Conference Committee Report was accepted as an entirety.

On motions by Senator Myers, Conference Committee Amendments 1 and 2 were adopted and CS for SB 498 passed as further amended and was certified to the House. The vote was:

Arnold	de la Parte	Johnson (34th)	Reuter
Beaufort	Ducker	Karl	Saylor
Bell	Fincher	Knopke	Ware
Bishop	Gong	Lane	Weissenborn
Boyd	Graham	Lewis (33rd)	Williams
Peterson	Haverfield	Lewis (43rd)	Wilson
Broxson	Henderson	McClain	
Childers	Hollahan	Myers	
Daniel	Horne	Poston	

Nays—1

Johnson (29th)

By unanimous consent Senator Thomas was recorded as voting yea.

SPECIAL ORDER CALENDAR

HB 3910—A bill to be entitled An act relating to the department of transportation; adding subsection (5) to §339.09, Florida Statutes, to provide for the department to expend gasoline funds or any other available funds as are necessary on nonfederal aid projects, to provide for the relocation and moving expenses of persons displaced by the acquisition of their land, homes or business for transportation or other related projects; providing that the department of transportation shall have the authority to do what is necessary, excluding the power of eminent domain, to carry out its responsibilities under this act; providing an effective date.

—was read the second time by title. On motion by Senator Gunter, by two-thirds vote HB 3910 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Daniel	Hollahan	Poston
Arnold	Deeb	Horne	Reuter
Barrow	de la Parte	Johnson (34th)	Saylor
Beaufort	Ducker	Karl	Stolzenburg
Bishop	Gong	Knopke	Ware
Boyd	Graham	Lane	Weissenborn
Peterson	Gunter	Lewis (33rd)	
Broxson	Haverfield	McClain	
Childers	Henderson	Plante	

Nays—4

Johnson (29th) Trask Williams Wilson

By unanimous consent Senators Fincher and Myers were recorded as voting yea.

CS for HB 3801—A bill to be entitled An act relating to state comprehensive planning; amending subsection (3) of section 20.31, Florida Statutes; providing for the creation of a division of state planning and a division of budgeting in the department of administration; amending sections 23.011, 23.012, 23.013, 23.016 and 23.017, Florida Statutes; providing for the governor to be the chief planning officer of the state; providing for the exercise of general powers and duties by the division of state planning; providing for adoption of the state comprehensive plan; providing for the preparation of special reports; authorizing the director of state planning to contract to meet the planning needs of the state; amending chapter 23, Florida Statutes; creating sections 23.002, 23.011, 23.012, 23.0123, and 23.0141; providing for designation by each department of a departmental planning officer; providing for preparation and revision of the state comprehensive plan; providing for the development of a state land use plan; providing for the use of uniform data and projections in plans, studies and reports; repealing sections 23.015 and 23.018, Florida Statutes; providing for provisions of act to be liberally construed; providing for severability; providing an effective date.

—was read the second time by title.

The Committee on Governmental Efficiency offered the following amendment which was adopted on motion by Senator Graham:

Amendment 1—On page 2, line 14 strike everything after the enacting clause and insert:

Section 1. This act shall be known and may be cited as the Florida State Comprehensive Planning Act of 1972.

Section 2. Subsection (3) of section 20.31, Florida Statutes, is amended to read:

20.31 Department of Administration.—There is created a department of administration.

(3) The following divisions, ~~and bureaus within these divisions,~~ of the department of administration are established:

(a) Division of ~~planning and budgeting, management and budget;~~

~~1. Bureau of planning;~~

~~2. Bureau of budgeting;~~

(b) Division of personnel and retirement; and

(c) Division of ~~management improvement, state planning.~~

Section 3. Chapter 23, Florida Statutes, is amended by adding a new section 23.002 to read:

23.002 Definitions.—As used in this act:

(1) "Director of state planning" means the director of the division of state planning in the department of administration.

(2) "Division" means the division of state planning in the department of administration.

(3) "Regional planning agency" means the agency designated by the division of state planning to exercise responsibilities under this act in a particular region of the state.

(4) "Secretary" means the secretary of the department of administration.

Section 4. Section 23.011, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 23.011, Florida Statutes, for present text.)

23.011 Governor; chief planning officer of the state.—The governor shall be the chief planning officer of the state.

Section 5. Chapter 23, Florida Statutes, is amended by adding a new section 23.0111 to read:

23.0111 Designation of departmental planning officer.—

(1) Within ninety (90) days after the effective date of this act the head of each executive department and the public service commission, game and fresh water fish commission, parole and probation commission and the department of military affairs shall select from within such department a person to be designated as the planning officer for such department. The planning officer shall be responsible for coordinating with the division and with the planning officers of other agencies all activities and responsibilities of such department relating to planning.

(2) The head of each department shall notify the director of state planning in writing of the person initially designated as the planning officer for such department and of any changes in persons so designated thereafter.

Section 6. Section 23.012, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 23.012, Florida Statutes, for present text.)

23.012 General powers and duties.—The division shall:

(1) Prepare and revise from time to time as necessary, the state comprehensive plan.

(2) Assist in the preparation of the annual executive budget and legislative program of the governor.

(3) Coordinate planning among federal, state and local levels of government and between the state of Florida and other states.

(4) Coordinate all state agency planning and programming activities, including but not limited to the following areas: economy, employment, education, social welfare, agriculture, industrial development, commerce and trade, transportation and safety, oceanic and water resources, pollution and environmental health, fish and wildlife, housing and urban development, crime and corrections, parks, recreation and cultural development, physical and mental health, public utilities and services.

(5) Prepare or cause to be prepared any studies and reports, or interim and functional plans necessary or useful in the preparation and revision of the state comprehensive plan.

(6) Serve as the state planning and development clearinghouse and designate regional and areawide clearinghouses.

(7) Make available basic demographic, geographic and economic data and projections to all public and private agencies concerned with development within the state.

Section 7. Chapter 23, Florida Statutes, is amended by adding a new section 23.0121, to read:

23.0121 State comprehensive plan.—Preparation and revision of the state comprehensive plan shall be a continuing process. Such process shall, to the extent feasible, consider studies, reports and plans of every department, agency and institution of state and local governments, regional planning agencies and the federal government, and shall take into account the existing and prospective resources, capabilities and needs of state and local levels of government. The state comprehensive plan shall be based on the best available data and shall provide long-range guidance for the orderly social, economic and physical growth of the state by setting forth goals, objectives and policies. To the extent feasible, the division shall utilize the services and plans of local governments and regional planning agencies.

Section 8. Section 23.013, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 23.013, Florida Statutes, for present text.)

23.013 Adoption of state comprehensive plan.—

(1) The proposed state comprehensive plan or parts or revisions thereof shall be transmitted to the governor for his consideration and action. The plan or parts or revisions thereof, when approved by the governor, shall be transmitted to the secretary of the senate and the clerk of the house of representatives for presentation to the next regular session of the legislature. Copies shall also be transmitted to each state department, regional planning agency, county, municipality and federal agency affected by or having an interest in the plan.

(2) Nothing contained in the plan or parts or revisions thereof shall authorize the implementation of any programs not otherwise authorized pursuant to law. Any part of the plan not otherwise authorized by law shall be subject to review and approval by the legislature as expressed through its acts, both through substantive law and emphasis as contained in appropriations acts.

(3) Upon any legislative action as provided in (2), the secretary shall transmit copies of such action to the head of each governmental agency affected.

Section 9. Chapter 23, Florida Statutes, is amended by adding a new section 23.0122 to read:

23.0122 Specification of data and projections.—

(1) The secretary may by rule adopted under Chapter 120, Florida Statutes, specify particular data, geographic boundaries, projections or forecasts that agencies shall use in preparing studies, reports and plans for the purpose of establishing consistency and uniformity in the planning process.

(2) If an agency chooses to use data, projections or forecasts contrary to those specified by the secretary, it shall include in or append to the plan or report a statement of any differ-

ence in conclusions or recommendations that would result if the secretary's data, projections or forecasts had been used, and of its reasons for not following the rule.

Section 10. Chapter 23, Florida Statutes, is amended by adding a new section 23.0161 to read:

23.0161 Annual progress report on state and regional planning.—

(1) The division shall prepare annually a report on the progress made by the division, other state agencies and regional planning agencies in achieving the purposes of this act. Such report shall describe the progress made in developing the state comprehensive plan, functional plans and planning studies and reports during the preceding fiscal year.

(2) The annual progress report on state and regional planning shall be transmitted by the governor to each member of the legislature not later than December 31 of each year.

Section 11. Section 23.017, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 23.017, Florida Statutes, for present text.)

23.017 Authorization to contract.—Whenever the preparation and revision of the state comprehensive plan becomes too specialized, professionally demanding or requires research facilities not available to the division, the director of state planning may use federal, state, local or private funds for the purpose of contracting with public agencies, private firms or consultants for the utilization of the planning or research capabilities and facilities of such agencies, firms or consultants, to assist in meeting the planning needs of the state.

Section 12. If any section, subsection, paragraph, phrase, clause, or word of this act is held to be invalid, the remainder of the act shall not be affected.

Section 13. This act shall take effect on July 1, 1972.

The Committee on Governmental Efficiency offered the following title amendment which was adopted on motion by Senator Graham:

Amendment 2—On page 1, line 3 strike all of the title and insert the following: A bill to be entitled An Act relating to state comprehensive planning; amending subsection (3) of §20-31, Florida Statutes; providing for the creation of a division of management and budget and a division of state planning in the department of administration; amending §§23.011, 23.012, 23.013 and 23.017, Florida Statutes; providing for the governor to be the chief planning officer of the state; providing for the exercise of general powers and duties by the division of state planning; providing for adoption of the state comprehensive plan; authorizing the director of the division of state planning to contract to meet the planning needs of the state; amending chapter 23, Florida Statutes; creating §§23.002, 23-0111, 23.0121, 23.0122, and 23.0161; providing for designation by each department of a departmental planning officer; providing for preparation and revision of the state comprehensive plan; providing for the use of uniform data and projections in plans, studies and reports; providing for an annual progress report on state and regional planning; providing for severability; providing an effective date.

On motion by Senator Graham, by two-thirds vote CS for HB 3801 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

Mr. President	Deeb	Horne	Poston
Arnold	de la Parte	Johnson (34th)	Reuter
Barrow	Ducker	Karl	Saunders
Beaufort	Fincher	Knopke	Sayler
Bell	Gong	Lane	Scarborough
Boyd	Graham	Lewis (33rd)	Ware
Brantley	Gunter	Lewis (43rd)	Weissenborn
Broxson	Haverfield	McClain	Wilson
Childers	Henderson	Myers	
Daniel	Hollahan	Plante	

Nays—3

Bishop Johnson (29th) Stolzenburg

By unanimous consent Senator Trask was recorded as voting yea.

Senator Scarborough moved that the House be requested to return HB 3776.

Senator Karl presiding.

Senator Barrow raised a point of order that the motion was out of order inasmuch as the bill had previously been reconsidered by the Senate.

The Presiding Officer ruled the point well taken.

On motion by Senator Pope, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas March 31, 1972
President of the Senate

Sir:

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

SCR 317

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas March 31, 1972
President of the Senate

Sir:

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

SB 513	SB 223	SB 423
SB 724	SB 743	SB 912
SB 1107	SB 1161	SB 1244
CS for SB 962		

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bills contained in the above messages were ordered enrolled.

The Honorable Jerry Thomas March 31, 1972
President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has passed with amendments by the required constitutional three-fifths vote of the membership of the House—

By Senator Pope—

SB 943—A bill to be entitled An act relating to the Florida retirement system; amending chapter 121, 1970 Supplement to Florida Statutes, 1969, by adding section 121.191; prohibiting any special act or general law of local application to amend or contravene the provisions of this chapter; providing a three-fifths (3/5) vote of the membership of each house for passage of this act; providing an effective date.

Amendment 1

On page 1, line 28, add new section 2 and renumber remaining section.

Section 2. Subsection (15) of section 121.021, Florida Statutes, is amended to read:

121.021 Definitions:—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(15) "Special risk members" means any officer or employee receiving salary payments for work performed as a peace officer, law enforcement officer, policeman, highway patrolman, custodial employee at a correctional or detention facility, *correctional agency employee whose duties and responsibilities involve direct contact with inmates but excluding secretarial and clerical employees*, fireman, or any other job in the field of law enforcement or fire protection if the duties of such person are certified as hazardous by his employer and approved by the administrator. *In the event any member of group of members seeks to be classified as special risk members and their employer fails to certify their duties as hazardous or that their positions fall within the definition of the special risk category established herein, or if the administrator fails to concur in the certification of an employer with respect to the members' eligibility to participate as special risk members, such member or group of members may appeal to the career service commission for a hearing on the merits of their case. The decision of the administration commission shall be final and binding on all parties to the dispute.*

Amendment 2

On page 1, lines 24—27, strike "There shall not be enacted after March 1, 1972, any special act or general law of local application which proposes to amend or which is in contravention to the provisions of this chapter." and insert the following: After the effective date of this act there shall not be enacted any special act or general law of local application which proposes to amend or alter the provisions of any state administered retirement system or any state supported retirement system authorized or established by general law.

Amendment 3

On page 1 in Title, line 14, strike providing and insert the following: *amending section 121.021 (15), Florida Statutes, to expand the definition of "special risk member" to include a correctional agency employee whose duties involve direct contact with inmates but excluding secretarial and clerical employees; providing procedure for members seeking to be classified as special risk members to appeal decisions of employing agency or retirement administrator to the career service commission; providing an effective date.*

Amendment 4

On page 1, line 28, strike "This act" and insert the following: The provisions of Section 1 shall take effect July 1, 1972, and the provisions of Section 2

Amendment 5

On page 1, line 19, insert the following:

Section 1. Paragraph (e) of subsection (9) of section 121.191, Florida Statutes, is added to read:

121.191 Benefits payable under the system.—

(e) Any officer or employee retired under the Florida retirement system and subsequently is elected to a public office for a definite period of time shall continue to receive retirement benefits in addition to any other monetary considerations paid as a result of service in such elected position.

Re-number subsequent sections accordingly.

Amendment 6

In the title, on page 1, line 14, strike "act" and insert the following: section

Amendment 7

In the title, on page 1, line 5, after the semi-colon insert the following: adding new paragraph (e) to subsection (9) of section 121.191, Florida Statutes, relating to employment after retirement; limitation;

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motion by Senator Pope the following amendment to House amendment 1 was adopted:

Amendment 1—On page 2 of House amendment 1 strike "administration" and insert: Career service

On motion by Senator Pope, the Senate concurred in House amendment 1 as amended.

On motions by Senator Pope, the Senate concurred in House amendments 3, 4, 5, 6 and 7.

On motions by Senator Pope, the Senate refused to concur in House amendment 2 and the House was requested to recede therefrom. The action of the Senate was certified to the House.

The President presiding.

By unanimous consent Senator Fincher was recorded as voting yea on CS for HB 3165 which passed the Senate March 30.

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

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

By the Committee on Governmental Efficiency—

CS for SB 965—A bill to be entitled An act relating to the passenger air carriers of Florida; providing for regulation by the state; assigning authority to the department of transportation, division of mass transit operations; providing certification procedures and fees therefor; providing exemptions; prohibiting certain acts; providing hearings, revocation and suspension procedures; and providing an effective date.

Amendment 1

On page 1, line 20, strike everything after the enacting clause and insert the following:

Section 1. Purpose.—The purpose of this act is to provide regulation of air carriers within the state of Florida, in order that low cost, high volume air transportation may be established between the major areas of this state.

Section 2. Definitions.—The following words, terms and phrases shall in this act have the meanings herein given, unless otherwise specifically defined, or unless other intention clearly appears, or the context otherwise requires:

(1) The term "air carrier" means a person or corporation owning, controlling, operating, or managing air craft as a scheduled common carrier in the transportation of persons or property for compensation or hire only between points within this state, which person or corporation is not engaged in air transportation within the meaning of section 101 of the federal aviation act of 1958, or any legislation successor thereto, under a certificate or certificates issued by the civil aeronautics board pursuant to section 401 of the federal aviation act of 1958, or any legislation successor thereto.

(2) The term "aircraft" means any motor vehicle now known, or hereafter invented, used or designed for navigation or flight in the air. For the purposes of this act, aircraft shall be divided into four classes: Class 1—aircraft seating in excess of 100 passengers; Class 2—aircraft seating between 50 and 99 passengers; Class 3—any aircraft seating not more than 49 passengers; Class 4—aircraft which do not carry passengers.

(3) The term "airport" means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft.

(4) The term "airway" means a route in the navigable airspace over and above the lands and waters of this state designated by the federal government or the state as a route suitable for air navigation.

(5) The term "commission" means the Florida public service commission.

(6) The term "certificate" means a certificate of public convenience and necessity issued by the commission.

(7) The term "area" means a radius of fifty miles from any duly licensed and operating airport.

(8) The term "operation of aircraft" or "operate aircraft" means the use, navigation or piloting of aircraft in the air space over this state or upon any airport within this state.

(9) The term "passenger" or any abbreviation thereof means any person flying in an aircraft but shall not include the pilot, co-pilot, flight engineer, steward or stewardess, or other member of the crew necessary for the operation of the aircraft.

(10) The term "person" means an individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representatives thereof.

(11) The term "state" or "this state" means the state of Florida.

Section 3. Regulation by the state.—No air carrier shall operate aircraft except in accordance with the provisions of this act and without first obtaining a certificate that the present and future public convenience and necessity require or will require such operations, as provided herein.

Section 4. Responsibility and authority of the commission.—

(1) The commission shall supervise and regulate every air carrier in those matters affecting ticketing, flight reservations, passenger baggage, freight, advertising, and passenger convenience and comfort.

(2) The commission shall approve the rates for passengers and shippers, classifications, and the rules of each such air carrier, taking into consideration the public interest.

(3) The commission shall regulate the accounts of each such air carrier and require the filing of annual and other reports and of other data by such air carriers.

(4) The commission shall have the authority to promulgate any rules and regulations consistent with the authority provided by this act and its practices pursuant hereto that it deems necessary to implement the provisions hereof.

Section 5. Certification, procedures and fees.—

(1) The application for a certificate of public convenience and necessity made by any applicant shall be in writing, verified by the applicant and shall specify the following matters:

(a) The name and address of applicant and the names and addresses of its officers, if any.

(b) The areas between which applicant intends to conduct such operations.

(c) The type of air carrier service in which the applicant intends to engage, together with a description of the class of aircraft which applicant proposes to utilize in connection with such operations.

(d) The proposed rates and schedules for operations between the areas involved.

(e) An agreement on the part of the applicant to conform with and abide by all rules, tariffs, and classifications as to air carrier services which may be prescribed by the commission after proper hearing.

(2) Any such application shall be accompanied by a payment of a fee of one thousand (1,000) dollars to be placed in the commission regulatory trust fund.

(3) The commission may issue to the applicant a certificate of public convenience and necessity in a form to be prescribed by it or may issue it for only partial exercise of the operation sought or may attach to the exercise of the right granted by the certificate such terms, limitations, and conditions which it deems the public interest may require.

(4) All certificates issued hereunder shall be renewed annually by application therefor and payment of an annual certificate renewal fee of one thousand (1,000) dollars per certificate, which shall be due on December 31 of each year. If the fee is not paid in advance of the due date, it must be re-

ceived on or before January 31 of the next year in order for the renewal of the certificate to be effective. All moneys received pursuant to this section shall be deposited in the commission regulatory trust fund.

(5) Upon filing of any application and payment of the required fee, the commission shall fix a time for hearing on said application which shall be not less than twenty days nor more than sixty days subsequent to the filing of said application, and no application shall be granted or certificate of public convenience and necessity issued without a hearing. Notice of such hearing shall be served upon the applicant, upon all persons holding or who have applied for a certificate under this act, upon all persons engaged in air transportation between points in this state under a certificate or certificates issued by the civil aeronautics board pursuant to section 401 of the federal aviation act of 1958 or any legislation successor thereto, upon the Florida department of transportation, and upon such other interested parties as the commission may require. The commission shall also cause notice of the filing of the application and the date of hearing to be published at least 14 days prior to the hearing in some newspaper of general circulation in the areas affected.

(6) In determining whether a certificate shall be issued, the commission shall take into consideration, among other things, the business experience of the applicant air carrier in the field of air operations, the financial stability of the air carrier, the insurance coverage of the air carrier, the type of aircraft which the air carrier would employ, proposed routes and minimum schedules to be established, whether the air carrier could economically give adequate service to the communities involved, the need for such service and its effect on any regional or state-wide transportation plan, the experience of civil aeronautics board certificated air carriers operating over the same or parallel routes, and any other factors which may effect the public interest.

(7) At the conclusion of the hearing, the commission shall prepare a report together with an order to be issued in the matter. A copy of the order entered by the commission in the matter, together with a copy of the report, shall be transmitted to each person, firm, corporation, municipality or other governmental entity entering a formal appearance at the hearing. The order by the commission in the matter shall become final on the tenth day after it is entered.

(8) Any certificate of public convenience and necessity issued under the provisions of this act shall contain, among other things, the following:

(a) The name of the grantee.

(b) The areas between which the grantee is permitted to operate and the class of aircraft to be employed.

(c) Such additional terms, conditions, provisions or limitations as the commission shall deem necessary or proper in the public interest or in the interest of the air carriers already operating between said areas sought to be served.

(9) The commission may require all air carriers to procure and maintain a minimum amount of insurance in such amounts as the commission may determine, consistent with the requirements for air taxis and similar air carriers by the civil aeronautics board.

Section 6. Exemptions.—

(1) Notwithstanding any other provisions in this act, upon receipt of an application and the required fee therefor, filed within ninety days after this act becomes effective, the commission shall issue a certificate to any air carrier operating between any areas in this state at such fares and rates then charged to which such air carrier was actually operating at least one scheduled flight per week as of October 1, 1972, and continuously thereafter. Such certificates shall permit such air carrier, with the approval of the commission, to increase or decrease the number of flights or change the schedules or rates and fares therefor should such air carrier continue to operate at least one flight per week between the areas serviced under such certificate. Certificates issued under this section shall be limited to that class of aircraft being utilized by said air carrier as of October 1, 1972, and shall not be effective to grant any rights to such air carrier as to any other class of aircraft.

(2) Upon application by an air carrier or other interested party, the commission may, following a determination of necessity, exempt the air carrier from the certificate provisions of this act. If the commission finds that such provisions impose an undue burden upon the air carrier, a community, or area because of the immediate need for service including, but not limited to, conditions of national emergency, natural disaster or cessation of existing service by another carrier, except that the commission shall not exempt any person from the certificate provisions of this act on account of a cessation of any existing air carrier service rendered pursuant to a certificate or certificates issued by either the commission or the civil aeronautics board when such cessation is caused by a labor dispute, and that enforcement of such provisions would be contrary to the public interest, it may grant an exemption. Exemptions issued pursuant to this section may be issued for a maximum of ninety (90) days and may be renewed for the same or a lesser period.

Section 7. Prohibited acts.—

(1) It is prohibited unless such relationship existed on October 1, 1972, or unless otherwise authorized by the commission:

(a) For any interstate or intrastate air carrier to have or retain an officer or director who is an officer, director or member, or who as a stockholder holds a controlling interest in any other air carrier.

(b) For any interstate or intrastate air carrier, knowingly and willingly, to have or retain an officer or director who has a representative or nominee who represents such officer or director or member as an officer, director or member, or as a stockholder holding a controlling interest in any other air carrier.

(c) For any person who is an officer or director of an interstate or intrastate air carrier to hold the position of officer, director, or member, or to have a stockholder holding a controlling interest, or to have a representative or nominee who represents such person, holding the position of an officer, director, or member, or holding as a stockholder a controlling interest in any air carrier.

(2) Without the express authorization of the commission, after hearing, no certificate of public convenience and necessity issued to one air carrier under the provisions of this act, shall be combined, united, or consolidated with another such certificate issued to or possessed by another such carrier, so as to permit through service between any point or points served by one carrier on the one hand, and any point or points served by another such carrier, on the other hand.

Section 8. Revocation and suspension of certificate; enforcement; procedures.—

(1) The rights conferred by certificate issued pursuant to this act may not be revoked or suspended without a finding by the commission, after notice and hearing, that the holder has abandoned such rights, or is no longer able to perform all or part of the certificated services or to conform to the law and to the rules and regulations of the commission, provided that the rights conferred by such certificates shall not be construed to be abandoned if the air carrier maintains one scheduled flight per week between the areas to which the certificate applies.

(2) The commission shall have the power to suspend and enforce the suspension of certificates of public convenience and necessity, upon a finding by any agency of the federal government that an air carrier is operating in violation of any federal safety law or regulation.

(3) Upon application for suspension or deletion of any certificated point, the commission may authorize a special temporary suspension. Such suspension when authorized shall be effective thirty (30) days after the filing of said application and shall only remain effective, however, pending hearing and decision on the application if an interested person or party so requests. The special temporary suspension may be ordered for a maximum ninety (90) day period, if such additional time is required to complete the proceedings before the commission, except that a stay of the commission decision, on its own motion or by the supreme court, will serve to continue the special temporary suspension until ten days after termination of a review proceeding.

(4) When the commission, upon complaint or its own motion, has reason to believe that any aircraft is being operated without a certificate of public convenience and necessity, as required by this act, or that this act is being violated, or that an air carrier is engaging in any other illegal activity, the commission shall investigate such activity and may, after a hearing, make its order requiring the owner or operator of the aircraft to cease and desist from any such unlawful activity. The commission shall enforce compliance with such order under the powers vested in it by law.

(5) The rules of evidence applicable to hearings shall be the general rules applied in the circuit courts of this state. Testimony taken at the hearings shall be reported and transcribed by a stenographer to be designated by the commission.

(6) Any person aggrieved by the action of the commission may, within ten days after receiving notification of such action, request in writing a reconsideration. The commission shall act upon any request for reconsideration within thirty days after the filing thereof, and shall immediately notify the applicant of the action taken. Any person who is aggrieved by the decision of the commission upon such reconsideration, may apply to the circuit court of Leon County for a review of the commission decision by filing a petition for a writ of certiorari within the time and in the manner prescribed by the Florida appellate rules and the statutes of this state not superseded by or in conflict with said rules.

Section 9. Approval of rate, fare and schedule changes.—The commission is empowered to disapprove, after notice and hearing, any change in a rate, fare or schedule between points in this state of a person engaged in air transportation pursuant to a certificate or certificates issued by the civil aeronautics board pursuant to section 401 of the federal aviation act of 1958 or any legislation successor thereto, if such change would impose an undue economic burden on state certificated air carriers operating between the same points. The commission shall adopt rules and regulations requiring such persons to file notice of such changes with the commission on the effective date thereof and the commission shall cause notice thereof promptly to be delivered to every state certificated air carrier. A notice of hearing shall be issued within thirty days after such effective date upon complaint of any state certificated air carrier, and the hearing may be held after thirty days after service of such notice of hearing upon the person making such change in a rate, fare or schedule. Notwithstanding any other provision of this act, except as provided in this section, nothing herein shall be construed as giving the commission any jurisdiction over, or as authorizing the commission to supervise or regulate, any routes, rates, fares, ticketing, flight reservations, passenger baggage, advertising, passenger convenience and comfort, tariffs, schedules, services, practices or operations or any other phase of the business of persons engaged in air transportation within the meaning of section 101 of the federal aviation act of 1958 or any legislation successor thereto under a certificate or certificates issued by the civil aeronautics board pursuant to section 401 of the federal aviation act of 1958 or any successor legislation, irrespective of whether such transportation is between points in this state or constitutes interstate, overseas or foreign air transportation; and no person engaged in such air transportation pursuant to such civil aeronautics board certificate or certificates shall be required to apply for or secure or hold any certificate or other license from the commission.

Section 10. This act shall become effective October 1, 1972.

Amendment 2

In the title on page 1, lines 4—15, strike all of lines 4 through 15 and insert the following: An act relating to the air carriers of Florida; providing for regulation by the state; assigning authority to the public service commission; providing certification procedures and fees therefor; providing exemptions; prohibiting certain acts; providing hearings, revocation and suspension procedures; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator Horne, the Senate concurred in House amendments 1 and 2 to CS for SB 965.

CS for SB 965 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—36

Mr. President	Deeb	Knopke	Sayler
Arnold	Ducker	Lane	Scarborough
Beaufort	Fincher	Lewis (33rd)	Stolzenburg
Bell	Graham	Lewis (43rd)	Trask
Boyd	Haverfield	McClain	Ware
Brantley	Hollahan	Myers	Weber
Broxson	Horne	Plante	Weissenborn
Childers	Johnson (29th)	Pope	Williams
Daniel	Karl	Poston	Wilson

Nays—None

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

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

By the Committee on Governmental Efficiency—

CS for SB 3—A bill to be entitled An act relating to the assessment and collection of municipal taxes; amending subsection (4) of section 167.433, Florida Statutes, requiring tax assessors to make available certain portions of the tax rolls to municipalities; adding a new subsection (6) to section 167.434, Florida Statutes, requiring notice to municipal executive officers of hearings relating to tax adjustment proceedings; amending subsections (3) and (4) of section 167.434, Florida Statutes, providing separate tax statements for municipal taxes, and providing payment of a municipality's tax by tax collector on the first and fifteenth of each month or more frequently if mutually agreed upon; repealing section 167.437, Florida Statutes; providing an effective date.

Amendment 1

In the title, on page 1, line 11, strike "167.434" and insert the following: 167.433

Amendment 2

On page 3, lines 2—5, strike all of lines 2 through 5. on line 1 insert period after the word taxation

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator Horne, the Senate concurred in House amendments 1 and 2 to CS for SB 3.

CS for SB 3 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—37

Mr. President	Daniel	Karl	Scarborough
Arnold	Deeb	Knopke	Stolzenburg
Barrow	de la Parte	Lane	Trask
Beaufort	Ducker	Lewis (33rd)	Ware
Bell	Fincher	McClain	Weber
Boyd	Gong	Myers	Weissenborn
Peterson	Graham	Plante	Wilson
Brantley	Hollahan	Poston	
Broxson	Horne	Saunders	
Childers	Johnson (29th)	Sayler	

Nays—None

Senator Saunders moved that the House be requested to return HB 3274. The motion failed.

The Honorable Jerry Thomas
President of the Senate

March 29, 1972

Sir:

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

By Senator Horne—

SB 1091—A bill to be entitled An act to provide a Clerk or Clerks for the County Courts of Leon, Walton, and Santa Rosa Counties, method of appointment, term of office, and to provide compensation shall be provided for in the annual budget of the County Court; providing an effective date and repealing all laws in conflict herewith.

Amendment 1—On page 1, line 16, after the word "to" insert the following: Duval,

Amendment 2—In the title On page 1, line 5 after the word "of" insert the following: Duval,

Amendment 3—On page 1, line 16 after the word "to" insert the following: Holmes,

Amendment 4—In the title On page 1, line 5 after the word "of" insert the following: Holmes,

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator Horne, the Senate refused to concur in House amendments 1, 2, 3 and 4 to SB 1091, and the House was requested to recede therefrom. The action of the Senate was certified to the House.

On motion by Senator Horne, Rule 4.14 requiring 15 minutes' notice was waived and unanimous consent was obtained to take up out of order—

CS for HB 4236—A bill to be entitled An act creating the Historic Key West preservation board of trustees; creating part IV of chapter 266, Florida Statutes; providing definitions; declaring its purpose and functions; providing for the appointment, terms of office, bonding, and payment of the expenses of its members; describing the powers and duties of said board; providing for the establishment of historical districts and an architectural review board for same; providing for the right of eminent domain and the coordination of activities with the department of state; authorizes local appropriations; repealing chapter 69-1314, Laws of Florida, which created the Historic Key West preservation board of trustees; providing for administrative placement of the boards of trustees within the department of state; amending §266.112(1), Florida Statutes; providing that the governor shall appoint members of the historic Tallahassee preservation board of trustees; providing an effective date.

On motions by Senator Horne, by two-thirds vote, CS for HB 4236 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	Deeb	Johnson (34th)	Sayler
Barron	de la Parte	Karl	Scarborough
Barrow	Ducker	Knopke	Stolzenburg
Beaufort	Fincher	Lane	Trask
Bell	Gong	Lewis (33rd)	Ware
Bishop	Graham	Lewis (43rd)	Weber
Boyd	Gunter	McClain	Weissenborn
Peterson	Haverfield	Myers	Williams
Brantley	Henderson	Plante	Wilson
Broxson	Hollahan	Poston	
Childers	Horne	Reuter	
Daniel	Johnson (29th)	Saunders	

Nays—None

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

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

By Senator Ott—

SB 289—A bill to be entitled An act relating to sodomy; amending §800.01, Florida Statutes, as amended by chapter 71-136, Laws of Florida; providing a definition; providing penalties; creating §800.025, Florida Statutes, providing for the crime of bestiality; providing a penalty; providing an effective date.

Amendment 1—On page 3, lines 9 through 20, strike all of lines 9 through 20

Amendment 2—In the title, On page 1, lines 8 through 10, strike all of lines 8 through 10 and insert the following: penalties;

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Senator Ott moved that the Senate refuse to concur in House amendments 1 and 2 to SB 289 and that the House be requested to recede therefrom.

Senator McClain moved the adoption of the following amendment to House amendment 1 which failed:

Amendment 1—Strike all of lines 9 through 20 and insert the following:

(5) Whoever in cases not coming within the provisions of subsections (2) or (3), voluntarily engages in or submits to an act of sodomy with another of the same sex shall be guilty of a misdemeanor of the first degree punishable as provided in §775.082 or 775.083.

Section 2. Section 800.025 Florida Statutes, is created to read:

800.025 Bestiality.—Whoever carnally knows a dead body or an animal or bird commits bestiality and is guilty of a misdemeanor of the first degree punishable as provided in §775.082 or 775.083.

The vote was:

Yeas—15

Bell	Graham	Lane	Scarborough
Childers	Horne	Lewis (43rd)	Trask
Fincher	Johnson (29th)	McClain	Weissenborn
Gong	Karl	Myers	

Nays—28

Mr. President	Broxson	Hollahan	Saunders
Arnold	Daniel	Johnson (34th)	Sayler
Barrow	Deeb	Knopke	Stolzenburg
Beaufort	de la Parte	Lewis (33rd)	Ware
Boyd	Ducker	Ott	Weber
Peterson	Gunter	Plante	Williams
Brantley	Haverfield	Pope	Wilson

The motion by Senator Ott was adopted and the action of the Senate was certified to the House.

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

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

By Senators Horne and Weissenborn—

SB 95—A bill to be entitled An act relating to thrift institutions and savings and loan associations; substantially re-

vising and amending section 665.031, F. S.; providing for the creation of thrift institutions; requiring an application for authority to organize; specifying the content of the application; providing for an application fee; providing for investigation of the application by the department; setting forth the scope of the investigation; granting discretion of the department to approve or disapprove the application; setting forth guidelines for approval of application; providing for notice of decision by department; providing for form articles of incorporation and by-laws; providing for the filing of the articles of incorporation with the secretary of state; providing that corporate existence shall be perpetual; amending section 665.041, F.S., providing that savings associations may only be incorporated on a mutual basis with savings account capital; specifying the minimum amounts of capital; providing for an organization expense fund; prescribing the minimum amount of the organization expense fund; providing that organization expenses may be paid from the fund; providing that amounts paid from the fund may not be recoverable by the contributors; providing for authorization to commence business; setting forth conditions precedent to the issuance of certificate of authorization; requiring publication of certificate of authorization to begin business to be published in a newspaper of general circulation; providing for retention and repayment of organization expense fund; providing that the retained amount can be used to pay operating expenses for a period of time; providing that unexpended funds shall be paid earnings; providing that this fund shall be reimbursed for payment of operating expenses; providing for refund of retained organization expense fund to original contributors; providing an effective date.

which amendment reads as follows: On page 8, lines 13 & 14, strike "upon becoming law." and insert the following: on July 1, 1972.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motion by Senator Weissenborn, the Senate concurred in the House amendment to SB 95.

SB 95 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—42

Mr. President	Ducker	Karl	Saunders
Arnold	Fincher	Knopke	Sayler
Beaufort	Gong	Lane	Scarborough
Bell	Graham	Lewis (33rd)	Trask
Boyd	Gunter	Lewis (43rd)	Ware
Peterson	Haverfield	McClain	Weber
Brantley	Henderson	Myers	Weissenborn
Broxson	Hollahan	Ott	Williams
Childers	Horne	Plante	Wilson
Daniel	Johnson (29th)	Pope	
Deeb	Johnson (34th)	Poston	

Nays—None

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

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

By Senator Knopke—

SB 648—A bill to be entitled An act relating to water resources; flood control district works; amending chapter 378, Florida Statutes, by creating new section; authorizing use of aquifer for water storage and supply; amending section 378.01, Florida Statutes; providing an effective date.

Amendment 1—On page 2, line 13, strike "this" and insert the following: the

Amendment 2—On page 2, line 15, strike the period and insert the following: , and including review of small watershed projects (Public Law 83-566).

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator Knopke, the Senate concurred in House amendments 1 and 2 to SB 648.

SB 648 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—44

Mr. President	Deeb	Johnson (29th)	Poston
Arnold	de la Parte	Johnson (34th)	Saunders
Beaufort	Ducker	Karl	Sayler
Bell	Fincher	Knopke	Scarborough
Bishop	Gong	Lane	Stolzenburg
Boyd	Graham	Lewis (33rd)	Trask
Peterson	Gunter	Lewis (43rd)	Ware
Brantley	Haverfield	Myers	Weber
Broxson	Henderson	Ott	Weissenborn
Childers	Hollahan	Plante	Williams
Daniel	Horne	Pope	Wilson

Nays—None

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

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

By the Committee on Judiciary—Criminal—

SB 467—A bill to be entitled An act relating to obstructing justice; providing that tampering with jurors is a felony; prohibiting tampering with or fabricating physical evidence prior to or during the pendency of a proceeding or investigation; providing penalties; providing an effective date.

Amendment 1—On page 2, lines 9 and 10, strike all of lines 9 and 10 and insert the following: Section 3. Tampering with witnesses.—

(1) It is unlawful for any person, knowing that an official proceeding or investigation by a duly constituted prosecuting authority is pending, to endeavor or attempt to induce or otherwise cause a witness to:

- (a) testify or inform falsely; or
- (b) withhold any testimony, information, document or thing.

(2) If any person violates the provisions of this section by the use of force, deception, threat or offer of pecuniary benefit to induce any conduct described in subsection (1), the violation shall constitute a felony of the third degree, punishable as provided in §§775.082, 775.083, or 775.084. In all other cases, a violation shall constitute a misdemeanor of the first degree, punishable as provided in §§775.082 or 775.083.

(3) It is unlawful for any person to cause a witness to be placed in fear by force or threats of force, or to make an assault upon any witness or informant or to harm a witness by any unlawful act in retaliation against the said witness for anything lawfully done in the capacity of witness or informant. Any person violating the provisions of this subsection shall be guilty of a felony of the third degree, punishable as provided in §§775.082, 775.083, or 775.084.

Section 4. Witnesses accepting bribes.—

(1) It is unlawful for any person who is a witness in a proceeding instituted by a duly constituted prosecuting authority of this state to solicit, request, accept or agree to accept any money or anything of value as an inducement to:

- (a) testify or inform falsely; or
- (b) withhold any testimony, information, document or thing.

(2) Any person violating any provision of this section shall be guilty of a felony of the third degree, punishable as provided in §§775.082, 775.083 or 775.084.

Section 5. This act shall take effect October 1, 1972.

Amendment 2—On page 1 in title, lines 8 through 10, strike all of lines 8 through 10 and insert the following: to a proceeding or investigation or while such proceeding or investigation is pending; prohibiting inducement to obtain false testimony or withholding of testimony, by force or otherwise; prohibiting retaliation against witnesses; prohibiting witness from accepting bribe to testify falsely or to withhold testimony; providing penalties; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator Wilson, the Senate concurred in House amendments 1 and 2 to SB 467.

SB 467 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—44

Mr. President	Daniel	Horne	Pope
Arnold	Deeb	Johnson (29th)	Poston
Barrow	de la Parte	Johnson (34th)	Saunders
Beaufort	Ducker	Karl	Sayler
Bell	Fincher	Knopke	Scarborough
Bishop	Gong	Lane	Stolzenburg
Boyd	Graham	Lewis (33rd)	Trask
Peterson	Gunter	Lewis (43rd)	Ware
Brantley	Haverfield	Myers	Weber
Broxson	Henderson	Ott	Weissenborn
Childers	Hollahan	Plante	Wilson

Nays—None

By unanimous consent Senator McClain was recorded as voting yea.

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

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

By the Committee on Universities and Community Colleges—

CS for SB 455—A bill to be entitled An act relating to the department of education; creating section 229.8021, Florida Statutes, to require the division of universities to revise the requirements for the granting of baccalaureate degrees; to provide the methods whereby the division of universities, the division of community colleges and the division of elementary and secondary education may accomplish the revision; providing for the doctor of teaching arts degree; providing an effective date.

Amendment 1—On page 1, line 20, strike everything after the enacting clause and insert the following: Section 1. Section 229.8021, Florida Statutes is created to read:

229.8021 Granting of degrees.—The commissioner of education, the division of universities and the division of community colleges shall jointly participate in devising the necessary methods whereby the educational institutions under the supervision of the division of universities shall examine, for the purpose of revising their requirements for the granting of bachelors degrees to permit qualified students to complete a baccalaureate program in not more than nine quarters or equivalent of successful academic performance. Special attention shall be given to the prospects of students earning the associate of arts degree from the community colleges in four

quarters of academic work or the equivalent and the transfer of such credit hours to those educational institutions granting baccalaureate degrees.

The commissioner of education shall file a comprehensive report and recommendations with the state board of education and the presiding officers of the senate and the house of representatives at least thirty days prior to the 1973 regular session of the legislature, which recommendations shall include specific implementing legislation and administrative recommendations to facilitate student articulation at all levels of public education.

Such recommendations and proposed legislation shall be designed to effect this revision by September 1, 1973, by several methods in addition to the reduction of required credit hours as may be employed by the division of universities, the division of community colleges and the division of elementary and secondary education, including but not limited to the following:

1. By giving students academic credit on the basis of tests, such as the college entrance examination board's college level examination program (CLEP), thus letting them bypass formal classroom instruction and receive credit for what they may have learned in non-traditional ways or may have already learned in their secondary school programs.

2. By giving students credit for college level work done in high school.

3. By encouraging students to attend classes in the summer or to take more than a normal course load during the regular academic year.

4. By high school students' dual enrollment in a local community college or university prior to graduation from secondary school.

5. By enrollment in a college or university after completion of the eleventh grade.

6. By admitting students from secondary school to the junior year in an upper level university and awarding the degree after three years of additional study. Provided, however, in all instances, the commissioner of education shall indicate whether or not he recommends, disapproves or is neutral on proposed changes.

Section 2. Where accreditation requirements currently limit the division of universities and the universities from reducing the credit hours or period of required residence, the division of universities is directed to work with the accrediting agencies to secure approval for reducing the required number of credit hours. The division of universities is directed to file with the state board of education and the presiding officers of the senate and the house of representatives not later than thirty days prior to the convening of the regular 1973 legislative session a report of its negotiations with the various accrediting agencies.

Section 3. The division of universities is directed to complete a study to require institutions under its supervision offering doctoral degrees to develop a program and the requirements for a doctor of teaching arts degree beginning not later than September, 1973, with said doctor of teaching arts degree to be awarded upon successful completion of nine quarters of graduate level academic work not exceeding a credit hour requirement of one hundred and forty-four quarter hours or the equivalent beyond the baccalaureate degree. The commissioner of education shall file a comprehensive report and recommendations with the state board of education and the presiding officers of the senate and the house of representatives at least thirty days prior to the 1973 regular session of the legislature, which recommendations shall include specific implementing legislation and administrative recommendations.

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

Amendment 2—On page 1, In the title lines 3—15, strike all language and insert the following: "A bill to be entitled An act relating to the department of education; creating section 229.8021, Florida Statutes, to require the division of universities to examine, for the purpose of revising, their requirements for the granting of baccalaureate degrees; to provide the methods whereby the division of universities, the division of community colleges and the division of elementary

and secondary education may accomplish the revision; providing for the study of the doctor of teaching arts degree; providing an effective date."

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator Haverfield, the Senate concurred in House amendments 1 and 2 to CS for SB 455.

CS for SB 455 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—44

Mr. President	Daniel	Johnson (29th)	Pope
Arnold	Deeb	Johnson (34th)	Poston
Barrow	de la Parte	Karl	Reuter
Beaufort	Ducker	Knopke	Saylor
Bell	Fincher	Lane	Scarborough
Bishop	Gong	Lewis (33rd)	Stolzenburg
Boyd	Graham	Lewis (43rd)	Trask
Peterson	Gunter	McClain	Ware
Brantley	Haverfield	Myers	Weber
Broxson	Henderson	Ott	Weissenborn
Childers	Hollahan	Plante	Wilson

Nays—1

Saunders

By unanimous consent Senator Horne was recorded as voting yea.

On motion by Senator Myers, HB 3108 was withdrawn from the Committee on Health, Welfare and Institutions by two-thirds vote and placed on the calendar.

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

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

By the Committee on Natural Resources and Conservation and Senator Graham—

CS for SB 433—A bill to be entitled An act relating to the trustees of the internal improvement fund; amending section 253.12 and 253.124, F. S.; providing that applications for sales or conveyances of any interest in submerged lands, the establishment of bulkhead lines and dredge and fill permits be considered at the same time; providing an exception; providing for a three (3) year work period commencing upon receipt of all other governmental authorizations; providing for renewal of permits so granted; conforming the prior right of counties to purchase lands to this procedure; providing for judicial review; and providing an effective date.

Amendment 1—On page 3, lines 1 through 17, strike Paragraph 3 in its entirety and insert the following:

3. A permit or application for a permit to dredge fill material from beneath the navigable waters of the state, in accordance with the provisions of this chapter, in the event the applicant intends to secure such fill material. Provided, that such islands or submerged lands may be sold or conveyed to an applicant who does not have such an application for a permit to dredge or fill lands before the trustees, upon the condition that the sale or conveyance to such an applicant shall contain a restrictive covenant prohibiting dredging, except for navigation purposes, or filling of such islands or submerged lands. And, provided further the trustees shall reserve the authority to waive such restrictive covenant, when such waiver is in the public interest, pursuant to such terms and conditions as the trustees may impose.

Amendment 2—On page 7, between lines 12 and 13, insert the following: Section 4. Subsection (5) of section 253.124, Florida Statutes, as amended by chapters 70-439 and 71-136, Laws of Florida, is amended to read:

253.124 Application for filling land.—

(5)(a) *Except as provided in paragraph (b) of this subsection, any person who violates any provision of this section is guilty of a misdemeanor of the second degree, punishable as provided in §775.082 or §775.083.*

(b) *Any person who violates this section by creating or causing to be created an illegal fill, is guilty of a misdemeanor of the first degree punishable as provided in §775.082 or §775.083. Each day in which such a violation continues, subsequent to the initial citation, shall constitute a separate offense.*

Renumber subsequent sections accordingly.

Amendment 3—In the title, On page 1, line 18, after the semicolon and insert the following: providing increased penalties for the unlawful filling of certain lands in violation of section 253.124, Florida Statutes, relating to required permits;

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator Henderson, the Senate concurred in House amendments 1, 2 and 3 to CS for SB 433.

CS for SB 433 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—47

Mr. President	Deeb	Johnson (34th)	Reuter
Arnold	de la Parte	Karl	Saunders
Barrow	Ducker	Knopke	Sayler
Beaufort	Fincher	Lane	Scarborough
Bell	Gong	Lewis (33rd)	Stolzenburg
Bishop	Graham	Lewis (43rd)	Trask
Boyd	Gunter	McClain	Ware
Peterson	Haverfield	Myers	Weber
Brantley	Henderson	Ott	Weissenborn
Broxson	Hollahan	Plante	Williams
Childers	Horne	Pope	Wilson
Daniel	Johnson (29th)	Poston	

Nays—None

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

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

By Representative Gallen—

HB 3316—A bill to be entitled An act relating to road and bridge districts; creating §§336.61-336.67, Florida Statutes, to provide an alternative method of establishing special road and bridge districts; providing for the election of district commissioners; setting forth the duties and powers of said commissioners, including the levying and assessing of taxes and issuing bonds for the construction and maintenance of district roads and bridges; allowing for the districts to join with other districts; providing for abolition of districts; making §§336.36, 336.45, 336.48, 336.49, 336.50, 336.51, 336.52, 336.53, 336.55, and 336.58, Florida Statutes, applicable to special road and bridge districts; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 3316, contained in the above message, was read the first time by title and referred to the Committee on Transportation.

On motion by Senator Hollahan, HB 3316 was withdrawn from the Committee on Transportation by two-thirds vote and placed on the calendar.

On motion by Senator Hollahan, Rule 4.14 requiring 15 minutes' notice was waived and unanimous consent was obtained to take up HB 3316 out of order.

On motions by Senator Hollahan, by two-thirds vote, HB 3316 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—42

Mr. President	Daniel	Karl	Saunders
Arnold	Deeb	Knopke	Sayler
Barrow	de la Parte	Lane	Scarborough
Beaufort	Ducker	Lewis (33rd)	Stolzenburg
Bell	Gong	Lewis (43rd)	Trask
Bishop	Graham	McClain	Ware
Boyd	Gunter	Myers	Weber
Peterson	Haverfield	Plante	Weissenborn
Brantley	Henderson	Pope	Wilson
Broxson	Hollahan	Poston	
Childers	Johnson (34th)	Reuter	

Nays—None

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

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

By the Committee on Governmental Organization & Efficiency and Representative Hess and others—

HB 4472—A bill to be entitled An act relating to local water and sewage treatment facilities; repealing in Escambia County Chapter 71-629, Laws of Florida; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 4472, contained in the above message, was read the first time by title. On motion by Senator Broxson, the rules were waived and the bill was placed on the local calendar.

On motion by Senator Broxson, Rule 4.14 requiring fifteen minutes' notice was waived and unanimous consent was obtained to take up HB 4472 out of order.

On motions by Senator Broxson, by two-thirds vote, HB 4472 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	de la Parte	Karl	Sayler
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

*The Honorable Jerry Thomas
President of the Senate*

March 30, 1972

Sir:

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

By Representative Brown and others—

HB 3837—A bill to be entitled An act relating to bailiffs of the third and fifth judicial circuits; amending §3 of chapter 71-462, Laws of Florida, to confine the power and authority of such bailiffs in their capacity as deputy sheriffs to the courtroom wherein they are performing their duties; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

*The Honorable Jerry Thomas
President of the Senate*

March 30, 1972

Sir:

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

By Representative Sims and others—

HB 4274—A bill to be entitled An act relating to Seminole County, Florida; providing for the establishment of two separate and distinct hospital taxation districts within Seminole County; providing definitions; providing for governance by boards of trustees, the appointment and qualification of trustees, and organization of said boards; providing for adoption of seals; providing powers and duties of boards of trustees; providing a quorum requirement; providing for budget submission by boards of trustees, approval by the Board of County Commissioners and levy of taxes; providing millage limits; providing for establishment of hospitals and petitions and procedures for such establishment; providing for election and bond validation; providing for the construction of hospitals without a bond issue; providing for assessment, levy and collection of taxes; providing limitations on expenditures; providing for depositories of monies; providing for the issuance of notes not exceeding one year, and setting limits thereon; providing for sinking fund; providing for publication and inspection of financial records; providing purposes and uses of hospitals established; providing for succession by existing board of trustees; providing for succession and allocation of existing property, assets and liabilities; providing for promulgation of hospital regulations and requiring non-discrimination among physicians; providing for training of nurses; providing for donations to districts; providing for agreements with and loans from federal agencies and matching funds; providing for additional tax levies by the county; providing for construction of act and severability; and providing for effective date of act and election requirements thereon.

—and requests the concurrence of the Senate therein.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

House Bills 3837 and 4274 contained in the above message, were read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

*The Honorable Jerry Thomas
President of the Senate*

March 30, 1972

Sir:

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

By Representative Elmore and others—

HB 4418—A bill to be entitled An act relating to the City of Fort Walton Beach, Okaloosa County; amending §33 of chapter 29092, Laws of Florida, 1953, relating to the requirement that certain contracts for public work be submitted to competitive bidding; providing an exception; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

*The Honorable Jerry Thomas
President of the Senate*

March 30, 1972

Sir:

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

By Representative Gorman and others—

HB 4415—A bill to be entitled An act relating to Orange County dividing the duties of the clerk of the circuit court between two officers, one serving as clerk of the circuit court and county court and one to be known as county comptroller and serving as ex officio clerk of the board of county commissioners, auditor, recorder, and custodian of all county funds, and providing for the election of said officers, their duties and compensation; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

*The Honorable Jerry Thomas
President of the Senate*

March 30, 1972

Sir:

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

By Representative Milburn and others—

HB 4347—A bill to be entitled An act relating to zoning in Orange County; amending section 11(a), chapter 63-1716, as amended by section 3, chapter 67-1831, all Laws of Florida, providing for an administrative official, to be known as the zoning director and employed by the board of county commissioners, to administer and enforce the zoning resolution and rules and regulations adopted pursuant thereto; providing that the office of the zoning director shall be known as zoning department; 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 House Bills 4418, 4415 and 4347.

House Bills 4418, 4415 and 4347, contained in the above messages, were read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

*The Honorable Jerry Thomas
President of the Senate*

March 30, 1972

Yeas—45

Sir:

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

By Representative Williamson—

HB 3989—A bill to be entitled An act relating to the clerks of the circuit court; creating section 28.12(a), Florida Statutes; relating to Broward County dividing the duties of the clerk of circuit court between two officers, one serving as clerk of all courts and one as county comptroller serving as ex officio clerk of the board of county commissioners, auditor, recorder, and custodian of all county funds, and providing for the election of said officers, their duties and compensation; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

HB 3989, contained in the above message, was read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

*The Honorable Jerry Thomas
President of the Senate*

March 30, 1972

Nays—None

*The Honorable Jerry Thomas
President of the Senate*

March 30, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed by the required two-thirds vote of the membership of the House—

By the Committee on Claims—

HB 4433—An act relating to relief of the board of county commissioners of Polk county; determining that investigative costs legally the responsibility of the state of Florida have been paid in error by said county commission; providing an appropriation to repay said funds from the general fund of the state; and providing an effective date.

By the Committee on Claims and Representative Melvin and others—

CS for HB 3946—A bill to be entitled An act for the relief of Dan H. Parrett; providing that the board of trustees of the internal improvement trust fund pay for certain lands which were deeded to Dan H. Parrett but which were found by court order to be void for indefiniteness of description; providing an appropriation based upon an appraisal of lands comparable to those in question and payment therefor at fair market value and further appropriating an amount to compensate Dan H. Parrett for his court case, taxes and mental anguish due to the purchase of said property; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

By Representatives Shaw and Hollingsworth—

HB 4439—A bill to be entitled An act amending Sections 5, 14, 30, 118, 119, 120 and 140, of Chapter 21,262 Special Acts of 1941, as amended, so as to provide three-year terms for City Commissioners; so as to allow the City Commission to require the removing of dilapidated or abandoned structures and motor vehicles from private property; so as to provide for change in the ordinance enactment procedure; so as to provide for primary elections in the City; so as to reduce the period of residency required for registration to vote in city elections; so as to require a more extended oath for registration of voters; and correcting the wording of Section 140 so as to make clear that four-fifths of all City Commissioners must vote for zoning changes if objections are raised by certain persons; providing a severability clause; providing for repeal of inconsistent laws; and providing for 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 4439.

HB 4439, contained in the above message, was read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

On motion by Senator Williams, HB 4439 was withdrawn from the Committee on Rules, Calendar, Privileged Business and Ethics by two-thirds vote and placed on the local calendar.

On motion by Senator Williams, Rule 4.14 requiring fifteen minutes' notice was waived and unanimous consent was obtained to take up HB 4439 out of order.

On motions by Senator Williams, by two-thirds vote, HB 4439 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Arnold	de la Parte	Karl	Saylor
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Eishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

*The Honorable Jerry Thomas
President of the Senate*

March 30, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed by the required two-thirds vote of the membership of the House—

By the Committee on Claims—

HB 4433—An act relating to relief of the board of county commissioners of Polk county; determining that investigative costs legally the responsibility of the state of Florida have been paid in error by said county commission; providing an appropriation to repay said funds from the general fund of the state; and providing an effective date.

By the Committee on Claims and Representative Melvin and others—

CS for HB 3946—A bill to be entitled An act for the relief of Dan H. Parrett; providing that the board of trustees of the internal improvement trust fund pay for certain lands which were deeded to Dan H. Parrett but which were found by court order to be void for indefiniteness of description; providing an appropriation based upon an appraisal of lands comparable to those in question and payment therefor at fair market value and further appropriating an amount to compensate Dan H. Parrett for his court case, taxes and mental anguish due to the purchase of said property; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

HB 4433, contained in the above message, was read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

On motion by Senator Trask, HB 4433 was withdrawn from the Committee on Rules, Calendar, Privileged Business and Ethics by two-thirds vote and placed on the local calendar.

On motion by Senator Trask, Rule 4.14 requiring fifteen minutes' notice was waived and unanimous consent was obtained to take up out of order—

HB 4433—An act relating to relief of the board of county commissioners of Polk county; determining that investigative costs legally the responsibility of the state of Florida have been paid in error by said county commission; providing an appropriation to repay said funds from the general fund of the state; and providing an effective date.

On motions by Senator Trask, by two-thirds vote, HB 4433 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

Arnold	Deeb	Johnson (34th)	Sayler
Barron	de la Parte	Karl	Scarborough
Barrow	Ducker	Knopke	Stolzenburg
Beaufort	Fincher	Lane	Trask
Bell	Gong	Lewis (33rd)	Ware
Bishop	Graham	Lewis (43rd)	Weber
Boyd	Gunter	McClain	Weissenborn
Peterson	Haverfield	Myers	Williams
Brantley	Henderson	Plante	Wilson
Broxson	Hollahan	Poston	
Childers	Horne	Reuter	
Daniel	Johnson (29th)	Saunders	

Nays—None

CS for HB 3946, contained in the above message, was read the first time by title and referred to the Committee on Personnel, Retirement and Claims.

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

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

By the Committee on Education—

HB 4392—A bill to be entitled An act relating to the university of west Florida; providing for a pilot project to determine whether true accountability and maximization of the public tax dollar can be better achieved by delegation of certain responsibilities; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 4392, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

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

By Representative Mixson—

HB 4017—A bill to be entitled An act relating to the department of health and rehabilitative services; providing for a food stamp program in all counties of the state; providing for operation and administration; providing for an expression of legislative intent as to section 409.275, Florida Statutes; providing for repeal of section 409.275 as amended by Chapter 70-255, Laws of Florida; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 4017, contained in the above message, was read the first time by title and referred to the Committee on Health, Welfare and Institutions.

On motion by Senator Plante, HB 4017 was withdrawn from the Committee on Health, Welfare and Institutions by two-thirds vote and placed on the calendar.

On motion by Senator Williams, Rule 4.14 requiring 15 minutes' notice was waived and unanimous consent was obtained to take up HB 4017 out of order.

On motions by Senator Plante, by two-thirds vote, HB 4017 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—44

Mr. President	Deeb	Johnson (34th)	Reuter
Arnold	de la Parte	Karl	Saunders
Barrow	Ducker	Knopke	Sayler
Beaufort	Fincher	Lane	Scarborough
Bell	Gong	Lewis (33rd)	Stolzenburg
Boyd	Graham	Lewis (43rd)	Trask
Peterson	Gunter	McClain	Ware
Brantley	Haverfield	Myers	Weber
Broxson	Henderson	Ott	Weissenborn
Childers	Horne	Plante	Williams
Daniel	Johnson (29th)	Poston	Wilson

Nays—None

SB 1115 was laid on the table.

The Senate resumed the special order calendar.

HB 3519—A bill to be entitled An act relating to oil and gas resources; amending §377.22(2)(a), Florida Statutes, to provide that the department of natural resources shall have the authority to adopt rules relating to the alteration of the sheet flow of water in certain areas and the alteration of the ecological balance of areas of the state under certain conditions pursuant to the regulation of oil and gas resources; providing an effective date.

—was read the second time by title.

On motion by Senator Barrow the following amendment was adopted:

Amendment 1—On page 2, lines 3—6, strike “to prevent the alteration of the ecological balance of the area to be developed where such alteration would be harmful to the environment;”

On motion by Senator Barrow, the following amendment was adopted:

Amendment 2—On page 1, in title strike “and the alteration of the ecological balance of areas of the state”

On motion by Senator Barrow, by two-thirds vote HB 3519 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—44

Mr. President	Deeb	Johnson (29th)	Poston
Arnold	de la Parte	Johnson (34th)	Reuter
Barrow	Ducker	Karl	Saunders
Beaufort	Fincher	Knopke	Sayler
Bell	Gong	Lane	Scarborough
Bishop	Graham	Lewis (33rd)	Trask
Boyd	Gunter	Lewis (43rd)	Ware
Peterson	Haverfield	McClain	Weber
Brantley	Henderson	Myers	Weissenborn
Broxson	Hollahan	Ott	Williams
Childers	Horne	Plante	Wilson

Nays—1

Stolzenburg

By unanimous consent Senator Daniel was recorded as voting yea.

Consideration of HB 3038 was deferred.

CS for HB 3141—A bill to be entitled An act relating to taxation; amending paragraph 212.08(7)(i), Florida Statutes, to provide an exemption from sales and use taxes for household fuels; providing an effective date.

—was read the second time by title. On motion by Senator Beaufort, by two-thirds vote CS for HB 3141 was read the third time by title, passed and certified to the House. The vote was:

Yeas—40

Mr. President	Daniel	Johnson (29th)	Poston
Arnold	Deeb	Johnson (34th)	Reuter
Barrow	de la Parte	Karl	Saunders
Beaufort	Ducker	Knopke	Saylor
Bell	Fincher	Lane	Scarborough
Boyd	Graham	Lewis (33rd)	Stolzenburg
Peterson	Gunter	Lewis (43rd)	Trask
Brantley	Haverfield	McClain	Ware
Broxson	Henderson	Myers	Weber
Childers	Hollahan	Ott	Wilson

Nays—None

By unanimous consent Senators Bishop and Plante were recorded as voting yea.

HB 4378—A bill to be entitled An act relating to state pay-rolls; providing for the Department of Banking and Finance to issue monthly warrants for salaries; providing an effective date.

—was read the second time by title.

On motion by Senator Saunders the following amendment was adopted:

Amendment 1—On page 1, lines 15 and 16, strike “monthly state warrants for salaries” and insert: either monthly or bi-weekly state warrants for salaries by budget entity as requested by the head of each state agency and approved by the department of administration.

On motion by Senator Saunders the following amendment was adopted:

Amendment 2—On page 1, at the end of line 6 insert: or bi-weekly

On motion by Senator Saunders, by two-thirds vote HB 4378 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—46

Mr. President	Daniel	Johnson (29th)	Saunders
Arnold	Deeb	Johnson (34th)	Saylor
Barron	de la Parte	Karl	Scarborough
Barrow	Ducker	Knopke	Stolzenburg
Beaufort	Fincher	Lane	Trask
Bell	Gong	Lewis (33rd)	Ware
Bishop	Graham	Lewis (43rd)	Weber
Boyd	Gunter	McClain	Weissenborn
Peterson	Haverfield	Myers	Williams
Brantley	Henderson	Plante	Wilson
Broxson	Hollahan	Poston	
Childers	Horne	Reuter	

Nays—None

On motion by Senator Hollahan, by two-thirds vote HB 3611 was removed from the general calendar and placed at the end of the Special Order Calendar.

HB 2973—A bill to be entitled An act relating to the state treasurer; amending section 18.11, Florida Statutes, to provide that United States government guaranteed student loans and small business administration loans posted as security for deposit of public funds shall be retained by the bank posting such security; requiring a monthly statement of accounting to be given the state treasurer; providing an effective date.

—was read the second time by title. On motion by Senator Graham, by two-thirds vote HB 2973 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

Arnold	Bishop	Broxson	Ducker
Barron	Boyd	Childers	Fincher
Beaufort	Peterson	Deeb	Gong
Bell	Brantley	de la Parte	Graham

Haverfield	Lewis (33rd)	Reuter	Weber
Henderson	Lewis (43rd)	Saylor	Weissenborn
Johnson (29th)	McClain	Scarborough	Williams
Johnson (34th)	Myers	Stolzenburg	Wilson
Knopke	Plante	Trask	
Lane	Poston	Ware	

Nays—None

By unanimous consent Senators Gunter and Barrow were recorded as voting yea.

HB 4319—A bill to be entitled An act relating to elections and to the acquisition of voting equipment; amending §101.28, Florida Statutes, to authorize the division of elections of the department of state to prescribe minimum standards; creating §§101.291, 101.292, 101.293, 101.294, and 101.295, Florida Statutes, providing definitions, requiring purchasing by competitive bids, providing exceptions, providing for prior approval of certain transactions by the division of elections, and providing penalties for violations; creating §101.341, Florida Statutes, prohibiting certain activities by voting machine custodians and providing a penalty; providing an effective date.

—was read the second time by title.

On motion by Senator de la Parte the following amendment was adopted:

Amendment 1—On page 1, line 16, strike “elections” and insert: purchasing

On motion by Senator de la Parte the following amendment was adopted:

Amendment 2—On page 7, line 10, strike “Upon becoming a law” and insert: July 1, 1972.

On motion by Senator de la Parte the following amendment was adopted:

Amendment 3—On page 1, line 31, strike “standards and specifications” and insert: rules

On motion by Senator de la Parte the following amendment was adopted:

Amendment 4—On page 4, line 8, strike “supplies”

On motion by Senator de la Parte the following amendment was adopted:

Amendment 5— On page 5, line 19, strike “elections” and insert: Purchasing of the Department of General Services.

On motion by Senator de la Parte the following amendment was adopted:

Amendment 6—On page 5, line 19, after the period insert the following: Provided, should the division fail to act on a request for approval within thirty (30) days after proper notice is received by the division, approval shall not be required.

On motion by Senator de la Parte the following amendment was adopted:

Amendment 7—On page 5, line 29, strike “; and” and insert: in Florida.

On motion by Senator de la Parte, by two-thirds vote HB 4319 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—42

Mr. President	Bell	Daniel	Graham
Arnold	Bishop	Deeb	Haverfield
Barron	Peterson	de la Parte	Henderson
Barrow	Brantley	Fincher	Hollahan
Beaufort	Childers	Gong	Horne

Johnson (29th)	Lewis (43rd)	Poston	Weber
Johnson (34th)	McClain	Reuter	Weissenborn
Karl	Myers	Sayler	Williams
Knopke	Ott	Stolzenburg	Wilson
Lane	Plante	Trask	
Lewis (33rd)	Pope	Ware	

Florida Statutes, including courts of the United States among the courts in which evidence intercepted pursuant to chapter 934 may be given; providing an effective date.

—was read the second time by title. On motion by Senator Barron, by two-thirds vote HB 3775 was read the third time by title, passed and certified to the House. The vote was:

Nays—2

Gunter Scarborough

By unanimous consent, Senators Ducker and Broxson were recorded as voting yea; Senator Boyd, nay.

On motion by Senator Horne, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

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

By Representative Melvin and others—

HB 2811—A bill to be entitled An act relating to retirement; amending §112.362, Florida Statutes, as created by chapter 70-224, Laws of Florida, relating to the recomputation of benefits, to include the surviving spouse or beneficiary of a retiree and to apply the actuarial factor related to the option elected by the retiree; providing that no present retirement benefit shall be reduced under this recomputation; providing an appropriation; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 2811, contained in the above message, was read the first time by title and referred to the Committee on Public Schools.

On motion by Senator Horne, HB 2811 was withdrawn from the Committee on Public Schools by two-thirds vote and placed on the calendar.

On motion by Senator Horne, Rule 4.14 requiring 15 minutes' notice was waived and unanimous consent was obtained to take up HB 2811 out of order.

On motions by Senator Horne, by two-thirds vote HB 2811 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—47

Mr. President	Deeb	Johnson (34th)	Reuter
Arnold	de la Parte	Karl	Saunders
Barron	Ducker	Knopke	Sayler
Beaufort	Fincher	Lane	Scarborough
Bell	Gong	Lewis (33rd)	Stolzenburg
Bishop	Graham	Lewis (43rd)	Trask
Boyd	Gunter	McClain	Ware
Peterson	Haverfield	Myers	Weber
Brantley	Henderson	Ott	Weissenborn
Broxson	Hollahan	Plante	Williams
Childers	Horne	Pope	Wilson
Daniel	Johnson (29th)	Poston	

Nays—None

The Senate resumed the Special Order Calendar.

HB 3775—A bill to be entitled An act relating to security of communications; amending §934.02(6), Florida Statutes, including officers of the United States within the definition of investigative or law enforcement officer; amending §934.08(3),

Yeas—40

Mr. President	Daniel	Johnson (29th)	Pope
Arnold	Deeb	Johnson (34th)	Poston
Barron	Ducker	Karl	Reuter
Beaufort	Fincher	Knopke	Sayler
Bell	Gong	Lane	Scarborough
Boyd	Graham	Lewis (33rd)	Stolzenburg
Peterson	Haverfield	Lewis (43rd)	Trask
Brantley	Henderson	Myers	Ware
Broxson	Hollahan	Ott	Weissenborn
Childers	Horne	Plante	Wilson

Nays—None

By unanimous consent Senators McClain and Gunter were recorded as voting yea.

HB 3124—A bill to be entitled An act relating to the insurance code; amending the unnumbered paragraph and subsection (2) of section 625.111, Florida Statutes, so as to state specifically the amount of reserves, for how long they shall be maintained; providing that any previous or existing unearned premium reserve under prior law was and is impressed with a trust on them and otherwise limiting the purposes for which they shall be used; providing an effective date.

—was read the second time by title. On motion by Senator Barron, by two-thirds vote HB 3124 was read the third time by title, passed and certified to the House. The vote was:

Yeas—47

Mr. President	Daniel	Johnson (34th)	Reuter
Arnold	Deeb	Karl	Saunders
Barron	Ducker	Knopke	Sayler
Barrow	Fincher	Lane	Scarborough
Beaufort	Gong	Lewis (33rd)	Stolzenburg
Bell	Graham	Lewis (43rd)	Trask
Bishop	Gunter	McClain	Ware
Boyd	Haverfield	Myers	Weber
Peterson	Henderson	Ott	Weissenborn
Brantley	Hollahan	Plante	Williams
Broxson	Horne	Pope	Wilson
Childers	Johnson (29th)	Poston	

Nays—None

CS for HB 2983—A bill to be entitled An act relating to education; providing for the state department of education, in coordination with the college of education of a state university or universities and with a local school district or districts, to plan for and develop a pilot program for an extended school year; providing an effective date.

—was read the second time by title. On motion by Senator Broxson, by two-thirds vote CS for HB 2983 was read the third time by title, passed and certified to the House. The vote was:

Yeas—42

Mr. President	Fincher	Knopke	Saunders
Barron	Gong	Lane	Sayler
Bell	Graham	Lewis (33rd)	Scarborough
Bishop	Gunter	Lewis (43rd)	Trask
Boyd	Haverfield	McClain	Ware
Peterson	Henderson	Myers	Weber
Brantley	Johnson (29th)	Ott	Weissenborn
Broxson	Johnson (34th)	Plante	Williams
Childers	Karl	Pope	Wilson
Daniel	Hollahan	Poston	
Deeb	Ducker	Reuter	

Nays—1

Barrow

Consideration of SB 1163, CS for HB 1277 and CS for HB 3432 was deferred.

CS for HB 3117—A bill to be entitled An act relating to nonpublic colleges; repealing paragraph (g) of subsection (1) of section 246.021, Florida Statutes; amending the introductory paragraph of subsection (1) of section 246.021, Florida Statutes, defining "college;" amending section 246.131, Florida Statutes, to provide for injunctive procedures; adding section 246.151, Florida Statutes, to provide penalties for violation of the act; amending Section 246.041 (1) (j), 246.061 and 246.101, Florida Statutes, providing all funds received be deposited in the state general revenue fund and the appropriation to carry out the provisions of this chapter be made from the general revenue fund; and providing an effective date.

—was read the second time by title. On motion by Senator Karl, by two-thirds vote CS for HB 3117 was read the third time by title, passed and certified to the House. The vote was:

Yeas—42

Mr. President	Childers	Knopke	Saunders
Arnold	Daniel	Lane	Scarborough
Barron	Deeb	Lewis (33rd)	Stolzenburg
Barrow	Ducker	Lewis (43rd)	Trask
Beaufort	Fincher	McClain	Ware
Bell	Gong	Myers	Weber
Bishop	Gunter	Ott	Weissenborn
Boyd	Haverfield	Plante	Williams
Peterson	Hollahan	Pope	Wilson
Brantley	Johnson (29th)	Poston	
Broxson	Karl	Reuter	

Nays—None

By unanimous consent Senator Graham was recorded as voting yea.

SB 656 was laid on the table.

On motion by Senator Weissenborn, by two-thirds vote HB 3778 was removed from the general calendar and placed at the end of the special order calendar.

SB 885—A bill to be entitled An act relating to pesticide application; providing purpose, definitions, administration and enforcement, rules, license and permit, fees, examination, keeping of records, report of damages, exemptions; providing denial, suspension or revocation of license or permit; providing a pesticide application council; providing injunction and penalty; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Bishop, by two-thirds vote SB 885 was read the third time by title, passed and certified to the House. The vote was:

Yeas—41

Mr. President	Childers	Johnson (34th)	Sayler
Arnold	Daniel	Karl	Scarborough
Barron	Ducker	Knopke	Stolzenburg
Barrow	Deeb	Lewis (33rd)	Trask
Beaufort	Gong	Lewis (43rd)	Ware
Bell	Graham	McClain	Weber
Bishop	Gunter	Myers	Weissenborn
Boyd	Haverfield	Ott	Wilson
Peterson	Henderson	Plante	
Brantley	Hollahan	Poston	
Broxson	Johnson (29th)	Reuter	

Nays—None

HB 3611—A bill to be entitled An act relating to the state electrical code; amending subsections (1), (2), (5) and (8) of section 553.19, Florida Statutes, for the purpose of updating the code references contained therein; providing an effective date.

—was read the second time by title. On motion by Senator Hollahan, by two-thirds vote HB 3611 was read the third by title, passed and certified to the House. The vote was:

Yeas—83

Mr. President	Gong	Lane	Sayler
Arnold	Graham	Lewis (33rd)	Stolzenburg
Barrow	Haverfield	Lewis (43rd)	Ware
Beaufort	Henderson	McClain	Weber
Bell	Hollahan	Myers	Weissenborn
Boyd	Johnson (29th)	Ott	Wilson
Deeb	Johnson (34th)	Plante	
Ducker	Karl	Poston	
Fincher	Knopke	Reuter	

Nays—3

Barron	Broxson	Childers
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By unanimous consent, Senators Trask, Daniel and Gunter were recorded as voting yea.

Consideration of HB 3778 was deferred.

On motion by Senator Horne, CS for HB 2996 was withdrawn from the Committee on Natural Resources and Conservation by two-thirds vote and placed on the calendar.

On motion by Senator Horne, Rule 4.14 requiring 15 minutes' notice was waived and unanimous consent was obtained to take up out of order—

CS for HB 2996—A bill to be entitled An act relating to pollution control; amending Section 403.121, Florida Statutes; providing that the department of pollution control shall have certain judicial and administrative remedies; providing that the department may proceed forthwith to obtain a judicial determination of damages, civil penalties, and injunctive relief; providing civil penalties; providing for damages; providing for a misdemeanor; providing an enforceable department order; providing judicial review; amending Section 403.131, Florida Statutes; providing injunctive relief; providing cumulative remedies; amending Section 403.141, Florida Statutes; providing civil liability for damages and civil penalties for violations; providing joint and several liability; amending Section 403.161, Florida Statutes, providing for violations and prohibitions; providing liability and penalties for violation; declaring legislative intent; creating Section 403.165, Florida Statutes; providing that certain funds recovered by the department of pollution control shall be used to restore certain polluted areas; providing for a pollution recovery fund; providing for priorities in the expenditure of said fund; providing an effective date.

—which was read the second time by title. On motion by Senator Horne, by two-thirds vote CS for HB 2996 was read the third time by title, passed and certified to the House. The vote was:

Yeas—39

Mr. President	Ducker	Karl	Reuter
Arnold	Fincher	Knopke	Sayler
Beaufort	Gong	Lane	Scarborough
Bell	Gunter	Lewis (33rd)	Stolzenburg
Boyd	Haverfield	Lewis (43rd)	Trask
Peterson	Henderson	McClain	Ware
Brantley	Hollahan	Myers	Weissenborn
Childers	Horne	Ott	Williams
Daniel	Johnson (29th)	Plante	Wilson
Deeb	Johnson (34th)	Pope	

Nays—2

Barron	Bishop
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By unanimous consent Senators Barrow, Broxson and Graham were recorded as voting yea; Senator Peterson changed his vote from yea to nay.

On motion by Senator Hollahan, the rules were waived, and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

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

By Representative Reed and others—

HB 2802—A bill to be entitled An act relating to education; providing that the board of regents is authorized to conduct a study regarding legal education in the state; providing that if it is determined that a new law school should be established in the state, it shall be established at Boca Raton as a component of Florida Atlantic University; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 2802, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

On motion by Senator de la Parte, HB 2802 was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

On motion by Senator Lewis (33rd), Rule 4.14 requiring 15 minutes' notice was waived and unanimous consent was obtained to take up HB 2802 out of order.

On motions by Senator Lewis (33rd), by two-thirds vote, HB 2802 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—28

Mr. President	de la Parte	Karl	Poston
Arnold	Graham	Knopke	Reuter
Beaufort	Haverfield	Lane	Scarborough
Bell	Henderson	Lewis (33rd)	Stolzenburg
Peterson	Hollahan	Lewis (43rd)	Ware
Childers	Johnson (29th)	McClain	Weber
Daniel	Johnson (34th)	Myers	Wilson

Nays—14

Barron	Deeb	Plante	Weissenborn
Barrow	Gong	Saunders	Williams
Boyd	Gunter	Sayler	
Broxson	Ott	Trask	

By unanimous consent Senators Childers, Lewis (43rd) and Hollahan changed their votes from yea to nay.

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

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

By Senator Poston—

SB 1266—A bill to be entitled An act relating to shipment of motor vehicles; amending §814.07(1)(b) and (d) and (8), as amended by chapter 72-26, Laws of Florida; correcting certain statutory cross references; adding paragraph (c) to subsection (8); providing that violation of subsection (3) by one who is unable to prove that he is the lawful owner of the car or by one who has previously been convicted of violating said subsection shall be a felony of the third degree; providing an effective date.

Amendment 1

On page 2, lines 3—14, strike all of lines 3 through 14 and insert the following:

Section 2. Subsection (8) of section 814.07, Florida Statutes, as amended by chapter 72-26, Laws of Florida, is amended to read:

814.07 Definitions; shipment of motor vehicles; proof of right of possession; penalties.—

(8)(a) Any person violating subsections (2) or (6) of this section is guilty of a felony of the third degree, punishable as provided in section 775.082, section 775.083, or section 775.084.

(b) Any person violating the provisions of subsection (3) of this section, who has not previously been convicted of violating said subsection and who proves he was the lawful owner of the vehicle at the time of the violation, shall be guilty of a misdemeanor of the second first degree, punishable as provided in section 775.082 or section 775.083.

(c) Any person violating the provisions of subsection (3) of this section, who has previously been convicted of violating said subsection or who was not the lawful owner of the vehicle at the time of the violation shall be guilty of a felony of the third degree, punishable as provided in section 775.082, section 775.083, or section 775.084.

Amendment 2

On page 1 in Title, lines 9—16, strike all of lines 9 through 16 and insert the following:

increasing penalty for first offense under §814.07(3), Florida Statutes; creating section 814.07(8)(c), Florida Statutes; providing that violation of subsection (3) by one who is not the lawful owner of the vehicle or by one who has previously been convicted of violating said subsection shall be a felony of the third degree; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator Poston, the Senate concurred in House amendments 1 and 2 to SB 1266.

SB 1266 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—35

Mr. President	Ducker	Karl	Reuter
Arnold	Gong	Knopke	Saunders
Barron	Graham	Lane	Stolzenburg
Beaufort	Gunter	Lewis (33rd)	Trask
Bell	Haverfield	Lewis (43rd)	Ware
Bishop	Henderson	McClain	Weber
Peterson	Hollahan	Myers	Weissenborn
Broxson	Johnson (29th)	Plante	Wilson
Daniel	Johnson (34th)	Poston	

Nays—None

By unanimous consent Senators Childers, Barrow and Williams were recorded as voting yea.

Senator Wilson moved that the Senate reconsider the vote by which HB 2802 passed and the Senate refused to reconsider.

HB 3267—A bill to be entitled An act relating to the Department of Commerce; amending Section 20.17, Florida Statutes, to reorganize the Department of Commerce by providing for a Division of Tourism; providing an effective date.

—was read the second time by title. On motion by Senator Daniel, by two-thirds vote HB 3267 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Arnold	Daniel	Hollahan	Plante
Barron	Deeb	Johnson (29th)	Poston
Barrow	de la Parte	Johnson (34th)	Reuter
Bell	Ducker	Karl	Stolzenburg
Bishop	Gong	Knopke	Trask
Boyd	Graham	Lane	Ware
Peterson	Gunter	Lewis (33rd)	Weber
Brantley	Haverfield	McClain	Weissenborn
Childers	Henderson	Ott	Wilson

Nays—5

Beaufort	Saylor	Scarborough	Williams
Saunders			

SB 628 was laid on the table.

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

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

By the Committee on Rules, Calendar, Privileged Business and Ethics—

SB 970—A bill to be entitled An act relating to alcoholic beverages; amending chapter 561, Florida Statutes, by creating a new section to provide that any bona fide civic organization may obtain a permit to authorize consumption on the premises only, under certain conditions; providing a fee; providing an effective date.

which amendment reads as follows:

On page 1, lines 23 and 27, strike "(5) days" "month" and insert the following: (1) day year

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motion by Senator Hollahan, the Senate concurred in the House amendment to SB 970.

SB 970 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—36

Arnold	Deeb	Johnson (34th)	Reuter
Barron	de la Parte	Karl	Saylor
Barrow	Ducker	Knopke	Scarborough
Beaufort	Gong	Lane	Stolzenburg
Bell	Graham	Lewis (33rd)	Trask
Bishop	Gunter	Lewis (43rd)	Ware
Boyd	Haverfield	McClain	Weber
Brantley	Henderson	Plante	Weissenborn
Childers	Hollahan	Poston	Wilson

Nays—None

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed by the required constitutional three-fifths vote of the members present—

By Representative Dubbin—

HJR 4475—A JOINT RESOLUTION extending the regular 1972 legislative session under the authority of Article III, Sec-

tion 3 of the State Constitution; establishing limitations in scope of legislation to be considered.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HJR 4475, contained in the above message, was read the first time. On motion by Senator Hollahan, the rules were waived and the bill was placed on the calendar.

On motion by Senator Horne, unanimous consent was obtained to take up HJR 4475 out of order.

On motion by Senator Horne, by two-thirds vote, HJR 4475 was read the second time by title.

Senator Barrow moved the adoption of the following amendment:

Amendment 1—

Strike (6) and all thereafter except (9)

On motion by Senator Lewis (33rd), the following substitute amendment was adopted:

Amendment 2—

On page 2, line 17 strike lines 15 through 18 and renumber

Senator Horne raised a point of order that there was a significant constitutional question whether the legislature had the power of limitation of subject matter in an extended session by resolution, that the constitution in granting the legislature the power of extension does not permit the power of limitation.

Senator Plante moved that HJR 4475 be referred to a subcommittee of the Committee on Rules, Calendar, Privileged Business and Ethics with instructions to examine the point and report to the Senate. The chair appointed Senators Barron, Wilson, Plante, Horne, Daniel and Myers. The committee was excused.

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has adopted the Conference Committee Report as an entirety and passed as amended by Conference Committee Report—

CS for SB 498

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bill was ordered engrossed.

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

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

SB 280	SB 634	SB 1261
SB 712	SB 1152	CS for SB 710
SB 1209	SB 1037	SB 1065

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

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

SB 532

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

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

SCR 1295

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

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

SB 40	SB 536	SB 544
CS for SB 607	SB 692	SB 728
SB 846	SB 1310	SB 462
SB 768	SB 989	SB 1033
SB 388	SB 81	

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bills, contained in the above messages, were ordered enrolled.

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

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

By Senator Haverfield and others—

SB 1191—A bill to be entitled An Act relating to pari-mutuel facilities, authorizing an additional day of operation at certain of such facilities with all profits therefrom to be paid in equal amounts to Barry College and to Florida Memorial College and to be used solely for scholarships; providing an effective date.

Amendment 1

On page 2, line 14, strike everything after the enacting clause and insert the following:

Section 1. In the event that any horse racing or dog racing track or any jai alai fronton shall obtain the approval of the department of business regulation for the conduct of a charity day for the benefit of a beneficiary or beneficiaries which, after the award of the charity day or, in the case of such beneficiaries required by law or ordinance to participate in the proceeds from such day, either before or after the award, shall cease to exist as an organization to which charitable proceeds may be paid for the conduct of such a charity day, then in that event the proceeds which would have been payable to that beneficiary from that day shall be distributed to such recognized

and established charity or charities, and in such proportions, as the board of business regulation shall determine, provided that institutions of higher learning in the state including junior colleges shall be deemed charities for the purposes of this act, and provided further that the legislature may from time to time direct, by point resolution, that such proceeds shall in a future racing or jai alai season or seasons be paid to other such recognized and established charities or in other proportions.

Section 2. It is the intent of the legislature that each word, phrase, sentence, and provision of this act is independent and severable, and that if any word, phrase, sentence or provision is declared to be invalid for any reason the remainder of the act shall not be affected.

Section 3. This act shall take effect July 1, 1973.

Amendment 2

On page 1, strike everything above the enacting clause, and insert the following:

A bill to be entitled An act relating to pari-mutuel racing and jai alai; providing that the charitable proceeds from certain days of racing and jai alai which would otherwise be payable to a defunct or disqualified charitable organization will be paid as determined by the board of business regulation and subject to the direction of the legislature; providing for severability; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator Haverfield, the Senate refused to concur in House amendments 1 and 2 to SB 1191, and the House was requested to recede therefrom. The action of the Senate was certified to the House.

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

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

By the Committee on Criminal Justice and Representatives Yancey and Gautier—

CS for HB's 4106 and 4215—A bill to be entitled An act relating to the Florida police academy; amending §23.094, Florida Statutes, to revise requirements for admission to the academy; amending §23.101, Florida Statutes, to provide for the payment of the cost of training by the state; amending §23.103, Florida Statutes, to provide for the establishment of trust funds; providing that the provisions of chapters 72-69 and 72-70, Laws of Florida, shall not apply; repealing §§23.098, 23.099, 23.10, and 23.102, Florida Statutes, relating to academy scholarship loans and repayment thereof; providing an effective date.

By Representative Fortune—

HB 3630—A bill to be entitled An act relating to pharmacy and pharmacists; amending subsection (c) of Section 465.101 (1), Florida Statutes, relating to revocation or suspension of license to practice pharmacy; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

CS for HB's 4106 and 4215, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

HB 8630, contained in the above message, was read the first time by title and referred to the Committee on Health, Welfare and Institutions.

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

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

By Senator Gunter—

SB 810—A bill to be entitled An act relating to the department of agriculture and consumer services; providing a uniform system or unit pricing and computation of unit prices; providing for exempting small retailers; requiring the display and advertising of unit prices; providing penalties; providing for injunctive relief; providing an effective date.

Which amendment reads as follows:

On page 2, line 25, insert after "individuals": , or use by individuals

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motion by Senator Gunter, the Senate concurred in the House amendment to SB 810.

SB 810 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—29

Mr. President	Childers	Johnson (29th)	Scarborough
Arnold	de la Parte	Johnson (34th)	Stolzenburg
Beaufort	Ducker	Knopke	Ware
Bishop	Gong	Lewis (33rd)	Weissenborn
Boyd	Graham	Pope	Williams
Peterson	Gunter	Poston	
Brantley	Henderson	Saunders	
Broxson	Hollahan	Sayler	

Nays—None

By unanimous consent Senators Barrow and Trask were recorded as voting yea.

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

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

By Senator Childers and others—

SB 1079—A bill to be entitled An act relating to children of persons classified as "prisoners of war" or "missing in action"; amending §295.02, Florida Statutes; creating §295.015, Florida Statutes; to provide that certain educational benefits be available to such children; providing an effective date.

Amendment 1

On page 1, line 27, after word "colleges;" strike semicolon and insert the following: and vocational-technical schools,

Amendment 2

On page 2, line 23, insert the following: after the comma: or civilian personnel captured or officially listed as missing while serving with the consent or authorization of the United States government,

Amendment 3

On page 1 in title, line 6, insert the following: before the semi-colon: "or captured civilian personnel"

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator Childers, the Senate concurred in House amendments 1, 2 and 3 to SB 1079.

SB 1079 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—33

Mr. President	Deeb	Johnson (34th)	Sayler
Arnold	de la Parte	Knopke	Scarborough
Beaufort	Ducker	Lewis (33rd)	Stolzenburg
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Williams
Peterson	Haverfield	Ott	Wilson
Brantley	Henderson	Pope	
Broxson	Hollahan	Poston	
Childers	Johnson (29th)	Saunders	

Nays—None

By unanimous consent Senators Barrow, Gong, Trask and Weissenborn were recorded as voting yea.

On motion by Senator Hollahan, the rules were waived and time of adjournment was extended until final action on HJR 4475 or further action affecting the return of the legislature in extended session and the calendar.

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

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

By the Committee on Judiciary and Representative Forbes—

CS for HB 3457—A bill to be entitled An act relating to public defenders; adding new sections to Chapter 27, Florida Statutes, to delineate procedure when a case receives a change of venue; to provide for the assignment of public defenders to other circuits and for payment of expenses; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

CS for HB 3457, contained in the above message, was read the first time by title and referred to the Committee on Judiciary—Criminal.

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

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

By Representatives Tucker and Miers—

HB 4470—A bill to be entitled An act providing for and fixing the compensation of members of the city commission and the mayor of the City of Tallahassee; repealing all laws or parts of laws in conflict therewith; 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 4470.

HB 4470, contained in the above message, was read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

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

SB 946	SB 928	SB 1070
SB 1085	CS for SB 932	SB 944
SB 1069	SB 1066	SB 1067
SB 945	SB 1267	SB 278

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bills contained in the above message were ordered enrolled.

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended by the required constitutional three-fifths vote of the membership of the House—

By the Committee on Appropriations and Representative Sessums—

CS for HJR 3576—A joint resolution proposing an amendment to Section 9 of Article XII of the Constitution, providing that part of the revenue derived from the licensing of motor vehicles shall be used for capital outlay and debt service school purposes and prescribing the methods of distribution and use thereof.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

CS for HJR 3576, contained in the above message, was read the first time and referred to the Committee on Ways and Means.

The Honorable Jerry Thomas
President of the Senate

March 31, 1972

Sir:

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

By Representative Dixon—

HCR 4462—A concurrent resolution commending the Jacksonville University basketball team for outstanding representation of the state of Florida while competing in the National Invitational Basketball Tournament.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 4462, contained in the above message, was read the first time and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

The Senate resumed the Special Order Calendar.

CS for HB 3432—A bill to be entitled An act relating to drainage districts; amending §298.01, Florida Statutes; changing the name "drainage district" to "water management district"; including as a purpose of said districts the preservation and protection of water resources, and including irrigation and water management as a means of said protection; permitting a majority of landowners within a proposed district to petition for formation of said district; requiring petition to be subscribed to and acknowledged; requiring within a petition a list of all owners within the district and certain maps or plats; requiring a list of addresses of said landowners and a description of their property; requiring filing of certified copies of petition in all counties where land within the district is situated; requiring petitioners to allege and prove that the proposed district is in the best interest of all owners within the district; requiring the department of natural resources to file an answer with the court; requiring the Central and Southern Florida Flood Control District and the Southwest Florida Water Management District to file an answer under certain circumstances; amending §298.02(1), Florida Statutes, and adding subsections (4) and (5) to said section; requiring notice by publication to describe by name and address the owners and parcels of land to be included within proposed districts or contiguous thereto; permitting certain interested parties, whether landowners or not, to file objections with the department of natural resources; amending §298.03(1), (2), and (3), Florida Statutes; permitting certain landowners and local governing bodies of areas proposed to be included in a district to appear at the court hearing to object to formation of said district; requiring a full hearing by the court; amending §298.07(1), (2), and (3), Florida Statutes, and adding subsections (5) and (6), to said section; requiring notice to certain landowners and certain local governing bodies for amendment of former decree incorporating district; amending §298.08(2), Florida Statutes; requiring notice to certain landowners and certain local governing bodies for consolidation of existing districts; amending §298.09, Florida Statutes, as amended by chapter 70-134, Laws of Florida; permitting extension of a district's boundaries by a vote of a majority of the owners of land; requiring notice to certain landowners prior to an extension; amending §298.11(1) and (2), Florida Statutes; requiring members of board of supervisors to be residents of the county in which district land is situated; entitling landowners with less than one (1) acre to one (1) vote; amending §298.15, Florida Statutes; requiring copies of records of supervisors' proceedings to be filed with the clerk of the circuit court and with the department of natural resources; permitting inspection of records; amending §298.16(3), Florida Statutes; requiring filing of the engineer's report with the department; amending §298.17, Florida Statutes; requiring a copy of an annual audit to be filed with the state auditor; repealing §298.22(6), Florida Statutes, relating to powers given supervisors to construct and maintain hydroelectric power plants, and adding a new subsection (7) to said section; restricting the board of supervisors to implement only those improvements outlined in the water-management plan; amending §298.26, Florida Statutes; changing the name of the "plan of reclamation" to "water-management plan"; requiring filing of annual reports and the water-management plan with the department; requiring review of said plan every five (5) years by the department; amending §298.29, Florida Statutes; increasing permitted tax per acre; increasing rate of permitted interest on loans for emergencies; increasing rate of interest on certain evidence of indebtedness; amending §298.33(1), Florida Statutes, and adding subsections (3) and (4) to said section; requiring notice of filing of commissioners' report; requiring service of commissioners' report; requiring certain notice to owners within units; amending §298.34(1) and (2), Florida Statutes; requiring a full hearing on exceptions to the report of the commissioners; creating §298.365, Florida Statutes; providing for collection of annual taxes; creating §298.366, Florida Statutes; providing when unpaid taxes become delinquent; repealing §298.41(3), Florida Statutes, relating to filing of certain certificates with the clerk of the circuit court, amending §298.41(2), Florida Statutes, relating to form of certificate asserting liens; creating §298.465, Florida Statutes; providing that the collection and enforcement of all taxes levied by districts shall be as county taxes; providing discounts; amending §298.47(1), Florida Statutes; increasing permissible interest on bonds of districts; repealing §298.47(3), Florida Statutes, relating to approval of district bonds by the department of natural resources; amending §298.52(2), Florida Statutes; increasing permissible interest on refunding bonds of districts; amending §298.54, Florida Statutes; providing for ap-

portionment of maintenance taxes; amending §298.55(2), Florida Statutes; requiring the department to file every five (5) years for a readjustment of the assessment of benefits; repealing §§298.37, 298.38, 298.39, 298.40, 298.42, 298.43, 298.44, 298.45, 298.53, 298.80, and 298.81, all Florida Statutes, relating to taxation and the tax structure of drainage districts; repealing §298.46, Florida Statutes, relating to trial of suits to enforce tax liens; repealing §298.58, Florida Statutes, relating to the Florida drainage association; repealing §298.75, Florida Statutes, relating to foreclosure of drainage tax liens; directing the statutory revision service to make editorial changes consistent with this act; providing an effective date.

—was read the second time by title. On motion by Senator Lewis (33rd), by two-thirds vote CS for HB 3432 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Childers	Johnson (34th)	Saylor
Arnold	Ducker	Knopke	Scarborough
Barrow	Gong	Lewis (33rd)	Stolzenburg
Beaufort	Graham	Lewis (43rd)	Trask
Bishop	Gunter	McClain	Ware
Boyd	Haverfield	Ott	Weissenborn
Peterson	Henderson	Pope	
Brantley	Hollahan	Poston	
Broxson	Johnson (29th)	Saunders	

Nays—None

SB 1072 was laid on the table.

On motion by Senator Scarborough, Rule 4.14 requiring 15 minutes' notice was waived and unanimous consent was obtained to take up out of order—

HB 1823—A bill to be entitled An act relating to municipal officers; amending §165.25, Florida Statutes; providing for the voluntary retirement of elected officers of a city or town who have held any elective offices of that city or town for twenty or more consecutive years; providing an effective date.

On motions by Senator Scarborough, by two-thirds vote, HB 1823 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Childers	Johnson (34th)	Scarborough
Arnold	de la Parte	Knopke	Stolzenburg
Barrow	Ducker	Lewis (33rd)	Trask
Beaufort	Gong	Lewis (43rd)	Ware
Bishop	Graham	McClain	Weissenborn
Boyd	Gunter	Ott	Williams
Peterson	Haverfield	Poston	
Brantley	Henderson	Saunders	
Broxson	Hollahan	Saylor	

Nays—None

On motion by Senator Arnold, the rules were waived and SB 262 was removed from the general calendar and placed at the foot of the special order calendar.

On motion by Senator Arnold, CS for House Bills 2679, 2870, and 3019 was withdrawn from the Committee on Health, Welfare and Institutions by two-thirds vote and placed on the calendar.

HB 3038—A bill to be entitled An act relating to barbers; amending section 476.03, Florida Statutes; increasing the numbers of apprentices that may be employed for each master barber; deleting the requirement that the at large member of the Florida barbers sanitary commission be a sanitarian; providing for redistricting of district 5 and district 6; providing that each member representing one of the seven districts shall be a practical barber; providing an effective date.

—was read the second time by title.

On motion by Senator Gunter the following title amendment was adopted:

Amendment 1—In title, on page 1, line 12 following "6;" insert: amending section 476.17(2), Florida Statutes,

On motion by Senator Gunter the following title amendment was adopted:

Amendment 2—In title, on page 1, line 8 following "barber;" insert: amending section 476.17, subsection (1), (e) and (f), and subsection (3)(g), Florida Statutes,

On motion by Senator Gunter, by two-thirds vote HB 3038 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—29

Mr. President	Deeb	Knopke	Stolzenburg
Arnold	Ducker	Lewis (33rd)	Trask
Beaufort	Gong	Lewis (43rd)	Ware
Bishop	Graham	McClain	Weissenborn
Peterson	Gunter	Pope	Wilson
Brantley	Haverfield	Poston	
Broxson	Henderson	Saylor	
Childers	Johnson (34th)	Scarborough	

Nays—4

Barrow	Boyd	Saunders	Williams
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On motion by Senator de la Parte, Rule 4.14 requiring 15 minutes' notice was waived and unanimous consent was obtained to take up out of order—

HB 4008—A bill to be entitled An act increasing minimum requirements for proof of financial responsibility under Chapter 324, Florida Statutes; amending section 324.021(7), Florida Statutes; providing an effective date.

On motions by Senator de la Parte, by two-thirds vote, HB 4008 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

Mr. President	de la Parte	Karl	Saylor
Arnold	Ducker	Knopke	Scarborough
Beaufort	Gong	Lewis (33rd)	Stolzenburg
Boyd	Graham	Lewis (43rd)	Trask
Peterson	Haverfield	McClain	Ware
Brantley	Henderson	Ott	Weissenborn
Broxson	Hollahan	Pope	Williams
Childers	Johnson (29th)	Poston	
Deeb	Johnson (34th)	Saunders	

Nays—1

Bishop

On motion by Senator Williams, by two-thirds vote the Senate took up for consideration CS for HB 1277. The vote was:

Yeas—22

Mr. President	de la Parte	Lewis (33rd)	Stolzenburg
Arnold	Ducker	Lewis (43rd)	Ware
Beaufort	Gong	Plante	Williams
Bishop	Graham	Pope	Wilson
Brantley	Karl	Saunders	
Deeb	Knopke	Scarborough	

Nays—11

Broxson	Hollahan	McClain	Saylor
Childers	Johnson (29th)	Ott	Trask
Henderson	Johnson (34th)	Poston	

CS for HB 1277—A bill to be entitled An act relating to the beverage law; amending §§561.14(3), 561.34(6), and 569.03,

Florida Statutes, to authorize vendors and clubs to purchase alcoholic beverages from licensed vendors; providing an effective date.

—was read the second time by title. On motion by Senator Williams, by two-thirds vote CS for HB 1277 was read the third time by title.

Senator Knopke moved that the Senate reconsider the vote by which CS for HB 1277 was placed on third reading. The motion failed by the following vote:

Yeas—14

Barrow	Henderson	Johnson (34th)	Sayler
Broxson	Hollahan	Knopke	Trask
Childers	Horne	McClain	
Daniel	Johnson (29th)	Ott	

Nays—21

Mr. President	de la Parte	Myers	Ware
Arnold	Ducker	Plante	Williams
Beaufort	Gong	Pope	Wilson
Bishop	Karl	Poston	
Brantley	Lewis (33rd)	Saunders	
Deeb	Lewis (43rd)	Scarborough	

CS for HB 1277 passed and was certified to the House. The vote was:

Yeas—22

Mr. President	de la Parte	Lewis (33rd)	Scarborough
Arnold	Ducker	Lewis (43rd)	Ware
Beaufort	Gong	Plante	Williams
Brantley	Graham	Pope	Wilson
Daniel	Karl	Saunders	
Deeb	Knopke	Sayler	

Nays—11

Bishop	Henderson	Johnson (34th)	Poston
Broxson	Hollahan	McClain	Trask
Childers	Johnson (29th)	Ott	

By unanimous consent Senators Boyd, Myers and Barrow were recorded as voting yea and by unanimous consent Senator Hollahan changed his vote from nay to yea.

SB 262 was taken up and on motion by Senator Arnold—

CS for HB's 2679, 2870 and 3019—A bill to be entitled An act relating to the physically handicapped; amending §255.21, Florida Statutes, to require that certain public buildings afford facilities for the physically handicapped; providing for implementation of the act by the department of general services; providing an effective date.

—a similar measure was substituted therefor and read the second time by title. On motion by Senator Arnold, by two-thirds vote CS for HB's 2679, 2870 and 3019 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

Mr. President	Deeb	Johnson (29th)	Poston
Arnold	de la Parte	Johnson (34th)	Sayler
Barron	Ducker	Karl	Scarborough
Beaufort	Gong	Knopke	Trask
Bishop	Graham	Lewis (33rd)	Ware
Brantley	Haverfield	Lewis (43rd)	Williams
Broxson	Henderson	McClain	Wilson
Childers	Hollahan	Ott	
Daniel	Horne	Pope	

Nays—None

By unanimous consent Senator Boyd was recorded as voting yea.

SB 262 was laid on the table.

The select committee appointed by the President, composed of Senators Barron, Wilson, Plante, Horne, Daniel and Myers, to research the point of order raised by Senator Horne relative to HJR 4475 returned to the chamber.

The Senate resumed—

HJR 4475—A JOINT RESOLUTION extending the regular 1972 legislative session under the authority of Article III, Section 3 of the State Constitution; establishing limitations in scope of legislation to be considered.

Senator Horne reported for the Select Committee as follows:

Senator Horne: Mr. President, your select committee on the point of order raised with respect to the interpretation of Article III concerning the limiting of matters to be taken up by the Joint Resolution extending this session, met and, by unanimous accord, recommends to the chair that there is no constitutional authority for such specific limitation in the Joint Resolution that extends the session. This was arrived at by examining Article III, Section 3 (2) (d), 'LENGTH OF SESSIONS', wherein there is no particular authority given to limit that extension as contradicted by Section 3 (c)(1) SPECIAL SESSIONS, where the governor's right to call is empowered with a specific right of limitation. So we recommend, with respect to that part of our report, Mr. President, that HJR 4475 be amended by deleting all after the period on line 17 of the Joint Resolution and that it be passed immediately and sent to the House.

Mr. President: As to the point of order raised by Senator Horne, pursuant to the report of the select committee, the chair ruled that the point of order as to the limitation is well taken and that no such limitations may be set forth in the resolution extending the session (pursuant to Article III, Section 3(2), Constitution of Florida).

Senators Horne, Wilson, Daniel, Plante, Barron and Myers offered the following amendment which was adopted on motion by Senator Horne:

Amendment 3—

On page 1, strike line 18 and the remainder of the resolution

On motion by Senator Daniel, the following amendment was adopted:

Amendment 4—

In title strike the semi colon at end of line 6 and all of lines 7 and 8 and insert: a period (.)

On motion by Senator Horne, the rules were waived and HJR 4475 as amended was read the third time in full, passed with the required constitutional three-fifths vote of the membership, and certified to the House. The vote was:

Yeas—42

Mr. President	Daniel	Johnson (34th)	Saunders
Arnold	de la Parte	Karl	Sayler
Barron	Ducker	Knopke	Scarborough
Barrow	Gong	Lewis (33rd)	Stolzenburg
Beaufort	Graham	Lewis (43rd)	Trask
Bishop	Gunter	McClain	Ware
Boyd	Haverfield	Myers	Weissenborn
Peterson	Henderson	Ott	Williams
Brantley	Hollahan	Plante	Wilson
Broxson	Horne	Pope	
Childers	Johnson (29th)	Poston	

Nays—None

Senator Horne moved that during the extended session all bills, joint resolutions, concurrent resolutions, resolutions and memorials be withdrawn from the calendar and re-referred to the Committee on Rules, Calendar, Privileged Business and Ethics. The motion was adopted.

Senator Horne moved that during the extended session the Committee on Rules, Calendar, Privileged Business and Ethics prepare a special and continuing order, upon advice of the appropriate chairmen consisting of the following subject matters:

(1) The general appropriations act, supplemental appropriations acts and legislation incorporated into, implementing or otherwise referred to in the appropriations act;

(2) Finance and tax matters;

- (3) Legislative apportionment;
- (4) Congressional redistricting;
- (5) Implementation of Article V and related matters;
- (6) Measures passed by both houses with differences, as yet, unresolved;
- (7) Conference committee reports;
- (8) Veto messages;
- (9) Local bills;
- (10) Senate Bill 629 State land and water management act;
- (11) House Bill 4228 or Senate Bill 982 An act relating to a bond issue for the acquisition of environmentally critical land;
- (12) Senate Bill 284 An act relating to abortion;
- (13) Committee Substitute for House Bill 4060 An act relating to water resources;
- (14) Committee Substitute for House Bill 4030 An act relating to the public service commission;
- (15) Committee Substitute for House Bill 547 relating to sovereign immunity.

and that such committee further examine all bills re-referred pursuant hereto for the purpose of recommending the indefinite postponement of such bills and other measures not specified above or not within the purview of same.

Senator Bishop moved the adoption of the following amendment which failed:

Amendment 1—On page 1, strike items (7) (9) (10) (11) (13)

Senator Poston moved the adoption of the following amendment which failed:

Amendment 2—On page 2, lines 21 and 22 strike "(18) Committee Substitute for H.B. 547 relating to sovereign immunity."

Senator Brantley moved the adoption of the following amendment:

Amendment 3—On page 2, following line 8, insert the following: C.S. for HB 3551— & renumber

Amendment 3 failed by the following vote:

Yeas—13

Arnold	Henderson	McClain	Ware
Bishop	Hollahan	Pope	
Brantley	Johnson (29th)	Poston	
Deeb	Johnson (34th)	Scarborough	

Nays—24

Mr. President	Broxson	Graham	Myers
Barron	Childers	Horne	Ott
Barrow	Daniel	Karl	Plante
Beaufort	de la Parte	Knopke	Saunders
Boyd	Ducker	Lewis (33rd)	Sayler
Peterson	Gong	Lewis (43rd)	Wilson

The motion by Senator Horne was adopted.

On motion by Senator Daniel, HB 3937 by two-thirds vote was re-referred to the Committee on Ways and Means.

On motion by Senator Barron, CS for HB 3946 was withdrawn from the Committee on Personnel, Retirement and Claims by two-thirds vote and placed on the calendar.

On motion by Senator Barron, Rule 4.14 requiring 15 minutes' notice was waived and unanimous consent was obtained to take up out of order—

CS for HB 3946—A bill to be entitled An act for the relief of Dan H. Parrett; providing that the board of trustees of the internal improvement trust fund pay for certain lands which were deeded to Dan H. Parrett but which were found by court order to be void for indefiniteness of description; providing an

appropriation based upon an appraisal of lands comparable to those in question and payment therefor at fair market value and further appropriating an amount to compensate Dan H. Parrett for his court case, taxes and mental anguish due to the purchase of said property; providing an effective date.

On motions by Senator Barron, by two-thirds vote, CS for HB 3946 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	de la Parte	Johnson (34th)	Poston
Arnold	Ducker	Karl	Scarborough
Barron	Gong	Knopke	Trask
Beaufort	Graham	Lewis (33rd)	Ware
Boyd	Haverfield	Lewis (43rd)	Weissenborn
Peterson	Henderson	McClain	Wilson
Brantley	Hollahan	Myers	
Childers	Horne	Plante	
Deeb	Johnson (29th)	Pope	

Nays—1

Sayler

Senator Myers moved that the rules be waived and HB 4288 be taken up for consideration by the Senate. The motion was adopted by the following vote:

Yeas—25

Mr. President	de la Parte	Lewis (43rd)	Saunders
Arnold	Graham	McClain	Scarborough
Beaufort	Hollahan	Myers	Ware
Boyd	Horne	Ott	Williams
Broxson	Karl	Plante	
Childers	Knopke	Pope	
Daniel	Lewis (33rd)	Poston	

Nays—12

Barron	Brantley	Henderson	Sayler
Bishop	Deeb	Johnson (29th)	Trask
Peterson	Ducker	Johnson (34th)	Wilson

HB 4288—A bill to be entitled An act relating to the drug abuse program of the department of health and rehabilitative services; amending subsection 397.021(3), Florida Statutes, to redefine "Hotline"; amending section 397.094, Florida Statutes, to provide injunctive relief to prevent operation of unlicensed centers; amending section 397.096, Florida Statutes, to clarify confidentiality provision; creating paragraph 397.021(4)(f), Florida Statutes, and subsection 397.021(5), Florida Statutes, to define "methadone maintenance program" and "methadone dispensing station" and to prohibit and deny a license to a methadone dispensing station which does not provide rehabilitative services and providing injunctive relief to prevent operation of unlicensed programs; creating section 397.099, Florida Statutes, to provide minors with the capacity to consent to rehabilitative or medical treatment for drug abuse or dependency; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 4288 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Childers	Hollahan	Myers
Arnold	Daniel	Horne	Ott
Barron	Deeb	Johnson (29th)	Plante
Barrow	de la Parte	Johnson (34th)	Poston
Beaufort	Ducker	Karl	Saunders
Boyd	Gong	Knopke	Sayler
Peterson	Graham	Lewis (33rd)	Scarborough
Brantley	Haverfield	Lewis (43rd)	Trask
Broxson	Henderson	McClain	Ware

Nays—1

Wilson

Senator Karl inquired of the Chair if the session is extended, by the House adopting the amended resolution, and this day is not within the last five days of the session, if a motion to reconsider bills passed this day would be available when the Senate reconvenes on Monday.

The President responded that the Senate would be governed by the same rule as if it were in the last five days of the regular session and the motion to reconsider bills acted upon this day would not be available.

On motion by Senator Horne, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Jerry Thomas
President of the Senate*

March 31, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1 and 2 and passed, as amended, by the required constitutional three-fifths vote, HJR 4475.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

On motion by Senator Hollahan, the Senate adjourned at 5:20 p.m. to reconvene at 1:00 p.m., April 3, 1972, pursuant to HJR 4475.