

JOURNAL OF THE FLORIDA SENATE

Thursday, April 6, 1972

The Senate was called to order by the President Pro Tempore at 9:00 a.m. A quorum present—43:

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

Excused: Senator Beaufort until 1:30 p.m.; Senators Thomas, Lewis (33rd), Johnson (34th) until 10:00 a.m.; Senator Barron for the morning session until 1:30 p.m. and for the afternoon session, except between 5:00 p.m. and 5:10 p.m., for the purpose of working on Article V.

Prayer by Senator Lane:

Almighty God, creator of all things good, we ask thy blessings in helping us to achieve that necessary in this legislative effort. Favor these legislators, and their staff, with wisdom in rendering decisions during the waning hours of this session, enabling them to do that of noblest aim. We ask that greed, and any thought of personal gain, be absent in their labor. We want to enrich the lives of others—Lord, yes, others. Let this our motto be. Forgive us of those things we have done amiss, bless our country and our state. We pray for good will among all mankind and an earthly peace among all nations. In our master's name, we pray. Amen.

The Journal of April 5 was corrected as follows and approved.

Page 806, counting from the bottom of column 1, line 17, strike "certified to the House" and insert: ordered engrossed

Page 806, counting from the bottom of column 1, line 18, strike "HB" and insert: SB

Page 814, counting from the bottom of column 1, line 8, before "HJR" insert: CS for

Page 817, counting from the bottom of column 1, between lines 7 and 8 insert: —which was read the first time by title and referred to the Committee on Health, Welfare and Institutions.

On motion by Senator Lewis (33rd), SB 1322 was withdrawn from the Committee on Health, Welfare and Institutions by two-thirds vote and placed on the calendar.

The Journal of March 31 was further corrected as follows and approved:

Page 736, column 2, line 15, strike "," and insert: and changing the durational residency requirements for electors;

Page 736, counting from the bottom of column 2, line 5, strike the period and insert: ; providing an effective date.

Page 736, counting from the bottom of column 2, line 9, strike "court and one" and insert: the circuit court and county court and one to be known as county comptroller and

Page 737, column 2, strike lines 24 through 29 and insert:

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.

Page 737, counting from the bottom of column 2, line 13, after "," insert: 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;

Page 738, column 1, lines 20 and 21, strike everything after "millage" and insert a period

Page 751, counting from the bottom of column 2, at the end of line 19 insert: the methods whereby the division of universities, the division

Page 753, column 1, line 25 and 26, before "SB" insert: CS for

REPORTS OF COMMITTEES

The Committee on Rules, Calendar, Privileged Business and Ethics respectfully submits the following Special Order Calendar for Thursday, April 6, 1972:

| | | |
|-----------------|----------------|---------|
| CS for HB 4060 | SB 1280 | HB 3981 |
| SB 818 | SB 955 | HB 4305 |
| SB 819 | CS for HB 3041 | HB 4308 |
| CS for HJR 3576 | HB 3202 | HB 4383 |
| HB 4232 | CS for HB 4375 | |

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

| | | |
|---------|---------|---------|
| HB 4470 | HB 3989 | HB 4347 |
| HB 4473 | HB 4103 | HB 4415 |
| HB 3837 | HB 4339 | HB 4418 |

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred SB 1317 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 bill was certified to the House.

Your Engrossing Clerk to whom was referred SB 207 with 3 amendments reports that the House amendments have been incorporated and the bill is returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

The bill was ordered enrolled.

MESSAGES FROM THE GOVERNOR

The Governor advised that he had filed in the office of the Secretary of State SB 135 which will become law without his signature.

The Governor advised that he had filed in the office of the Secretary of State Senate Bills 305, 366, 397, 501, 549, 597, 682, 783, 836, 880, 927, 935, 983, 1092, 1273, CS for SB 12, CS for SB 60, CS for SB 551 and CS for SB 771 which he had approved.

Senator Karl, chairman of the Select Committee on Executive Suspensions, was accorded the privileges of the well and gave a brief review of the report of the Select Committee in the matter of the Executive Suspension of Murray S. Meyerson, Constable, District 5, Dade County, Florida, which report was read and further consideration thereof temporarily deferred on March 30, 1972. [Report and proceedings recorded, Senate Daily Journal of Thursday, March 30, 1972, pp. 686-687, 690]

On motion by Senator Fincher, further consideration of the Executive Order of Suspension in the matter of Murray S. Meyerson, Constable, District 5, Dade County, Florida, was temporarily deferred.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

April 6, 1972

Sir:

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed Representative Melvin as House Conferee on SB 943.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

April 5, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments 1 and 2 as amended by House amendments and passed as further amended—

By the Committee on Governmental Organization & Efficiency and Representative Reeves and others—

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, 23.0111, 23.0122, 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.

Senate 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 improvements, 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 poli-

cies. 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 difference 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.

House Amendment 1 to Senate Amendment 1—

On page 1, line 22, strike "management and" and insert the following new subparagraph (b), relettering subparagraph (b) and subsequent:

(b) Division of management improvement;

House Amendment 2 to Senate Amendment 1—

On page 4, line 23, strike paragraph (3) and insert the following:

(3) Upon action as contained in subsection (1) of this section and under completion of any legislative action necessary as contained in subsection (2) of this section, the provisions of the plan shall become effective as state policy. State department or agency budgets shall be prepared and executed based upon and consistent with law and the state comprehensive plan.

(4) Subsequent to legislative action as provided in subsection (2) of this section, the secretary shall transmit copies of such action to the head of each governmental agency affected.

Senate 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.

House Amendment to Senate Amendment 2—

On page 1, line 7, strike "management and"

—and requests the concurrence of the Senate therein.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

On motions by Senator Graham, the Senate concurred in House amendments 1 and 2 to Senate amendment 1.

On motion by Senator Graham, the Senate concurred in the House amendment to Senate amendment 2.

CS for HB 3801 passed as further amended and was certified to the House. The vote was:

Yeas—33

| | | | |
|----------|------------|--------------|-------------|
| Arnold | Ducker | Knopke | Saunders |
| Barrow | Fincher | Lane | Saylor |
| Bell | Graham | Lewis (43rd) | Scarborough |
| Boyd | Gunter | McClain | Stolzenburg |
| Peterson | Haverfield | Myers | Ware |
| Brantley | Henderson | Ott | Wilson |
| Broxson | Hollahan | Plante | |
| Childers | Horne | Pope | |
| Deeb | Karl | Poston | |

Nays—2

Bishop Johnson (29th)

By unanimous consent Senator Daniel was recorded as voting yea.

The Honorable Jerry Thomas
President of the Senate

April 4, 1972

Yeas—38

Sir:

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

By the Committee on Appropriations and Representatives A. S. Robinson and Earle—

CS for HB 4228—A bill to be entitled An act providing for the issuance of state bonds pledging the full faith and credit of the state to finance the cost of state capital projects in the form of environmentally endangered lands or outdoor recreation lands, upon approval of the electors; creating chapter 259, Florida Statutes; providing the amount of such bonds; providing for the projects to be financed by such bonds; providing for procedures for the issuance of such bonds; providing for a vote of the electors; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

CS for HB 4228, contained in the above message, was read the first time by title and referred to the Committee on Natural Resources and Conservation.

On motion by Senator Graham CS for HB 4228 was withdrawn from the Committee on Natural Resources and Conservation by two-thirds vote and placed on the calendar.

On motion by Senator Graham, Rule 4.14 requiring 15 minutes' notice was waived and unanimous consent was obtained to take up CS for HB 4228 out of order.

On motion by Senator Graham, by two-thirds vote CS for HB 4228 was read the second time by title.

Senator Barrow moved the adoption of the following amendment:

Amendment 1—On page 5, line 6 strike after comma and and lines 7 and 8 down to "is"

The President presiding.

The amendment failed by the following vote:

Yeas—6

| | | | |
|--------|----------------|-------------|-------|
| Barrow | Johnson (29th) | Stolzenburg | Weber |
| Bell | Ott | | |

Nays—30

| | | | |
|----------|------------|--------------|-------------|
| Arnold | Graham | Lewis (43rd) | Sayler |
| Peterson | Gunter | McClain | Scarborough |
| Broxson | Haverfield | Myers | Trask |
| Childers | Henderson | Plante | Ware |
| Daniel | Hollahan | Pope | Weissenborn |
| Ducker | Karl | Poston | Williams |
| Fincher | Knopke | Reuter | |
| Gong | Lane | Saunders | |

By unanimous consent, Senator Lewis (33rd) was recorded as voting nay.

On motion by Senator Graham, by two-thirds vote CS for HB 4228 was read the third time by title, passed and certified to the House. The vote was:

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

Nays—6

| | | | |
|--------|----------|-------------|-------|
| Barrow | Bishop | Stolzenburg | Weber |
| Bell | Brantley | | |

By unanimous consent, Senator Johnson (29th) was recorded as voting yea; Senator Brantley changed his vote from nay to yea.

SB 982 was laid on the table.

Explanation of vote on CS for HB 4228

I voted "No" on final passage of this bill. I am not opposed to protecting the environment for future generations or to provide funds with which to acquire outdoor recreational lands. I am opposed, however, to Chapter 259.02, which is created as follows:

"Authority; full faith and credit bonds.—Pursuant to the provisions of subsection 11(a) of Article VII of the constitution of the State of Florida and Chapter 215.59, Florida Statutes, the issuance of State bonds pledging the full faith and credit of the State in the principal amount, including any refinancing, not to exceed two hundred million dollars (\$200,000,000) for State Capitol projects for environmentally endangered lands, and forty million dollars (40,000,000) for State Capitol projects for outdoor recreation lands, is hereby authorized subject to the provisions of this act."

It was alleged by a Senator (and the statement was not refuted) during debate on this issue, that general revenue receipts will exceed expectations by approximately sixty million dollars over anticipated revenues from taxation during this current fiscal year.

1) It is, therefore, my opinion that the Legislature, if it so desired, could allocate forty million dollars for outdoor recreation funding without further burdening the taxpayers by issuance of bonds requiring repayment from tax revenues, including payment of interest and bonding costs.

2) It is my opinion that the amount of bonds to be issued is an excessive amount.

No lists of anticipated projects to be undertaken were presented to the Senate upon which to justify a \$240,000,000 bonding program.

From the information available, it appears that State Government Agencies were petitioned to submit estimates of desired funds, and these requests used to establish a \$240,000,000 figure.

3) My primary objection is directed toward 259.09(c) which reads as follows: "The board is hereby empowered and authorized to acquire lands, water areas and related resources. The board is authorized to enter into contracts for purchase and to purchase the fee or any lesser interest, sufficient to meet the purpose of this act, of any environmentally endangered lands or outdoor recreation lands."

This sub-section will authorize the Florida State Cabinet, sitting as the Department of Natural Resources, to expend these bonding funds *without legislative review or approval as to the land areas to be acquired or the amounts of tax dollars to be expended for such properties.*

Chester W. (Chet) Stolzenburg, 39th District

The Senate resumed consideration of the report of the Select Committee in the case of Murray S. Meyerson, Constable, District 5, Dade County.

On motion by Senator Hollahan, time of recess was extended until final disposition of proceedings in the matter of the Executive Order of Suspension in the case of Murray S. Meyerson.

Senator Williams presiding.

The President presiding.

The report of the committee was adopted, pursuant to motion previously made by Senator Karl. Senator Karl moved that pursuant to the report Murray S. Meyerson be removed from the office of Constable, District 5, Dade County, Florida. The vote was:

Yeas—26

| | | | |
|---------------|-------------|----------|----------|
| Mr. President | Broxson | Hollahan | Pope |
| Arnold | Childers | Karl | Reuter |
| Barron | Deeb | Knopke | Saunders |
| Beaufort | de la Parte | Lane | Sayler |
| Boyd | Gong | McClain | Williams |
| Peterson | Gunter | Ott | |
| Brantley | Haverfield | Plante | |

Nays—21

| | | | |
|---------|----------------|-------------|-------------|
| Barrow | Graham | Myers | Weber |
| Bell | Henderson | Poston | Weissenborn |
| Bishop | Johnson (29th) | Scarborough | Wilson |
| Daniel | Johnson (34th) | Stolzenburg | |
| Ducker | Lewis (33rd) | Trask | |
| Fincher | Lewis (43rd) | Ware | |

By unanimous consent Senator Daniel changed his vote from Nay to Yea.

By unanimous consent Senator Stolzenburg changed his vote from nay to yea on HB 3519 which passed the Senate April 5.

On motion by Senator Hollahan, the Senate recessed at 2:12 p.m. to reconvene at 3:30 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 3:30 p.m. A quorum present—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 | |

On motion by Senator Williams, the Senate reconsidered the vote by which—

HB 3699—A bill to be entitled An act relating to education, public schools; providing for a maximum local effort for the minimum foundation program for fiscal year 1972-73; providing an effective date.

—passed on April 5.

On motion by Senator Williams the following amendment was adopted by two-thirds vote:

Amendment 1—On page 1, lines 18, 19 and 20 strike “two hundred seventy three million seven hundred fifty thousand seven hundred seventy eight dollars (\$273,750,778)” and insert: two hundred seventy two million one hundred thirty thousand four hundred eighty three dollars (\$272,130,483)

On motion by Senator Williams the following amendment was adopted by two-thirds vote:

Amendment 2—On page 1, lines 25, 26 and 27 strike “two hundred seventy three million seven hundred fifty thousand seven hundred seventy eight dollars (\$273,750,778)” and insert: two hundred seventy two million one hundred thirty thousand four hundred eighty three dollars (\$272,130,483)

On motion by Senator Williams the following amendment was adopted by two-thirds vote:

Amendment 3—On page 1, lines 23 and 29 strike “(a)” and insert: , 1971 Florida Statutes

On motion by Senator Williams, HB 3699 as amended was read by title, passed and certified to the House. The vote was:

Yeas—35

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

Nays—None

By unanimous consent Senator Daniel was recorded as voting yea.

SPECIAL ORDER

Consideration of CS for HB 4060, Senate Bills 818 and 819 was deferred.

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.

—as amended was taken up pending roll call.

The Secretary called the roll and CS for HJR 3576 as amended passed with the required constitutional three-fifths vote of the membership and was certified to the House. The vote was:

Yeas—35

| | | | |
|---------------|-------------|----------------|-------------|
| Mr. President | Broxson | Horne | Pope |
| Arnold | Childers | Johnson (29th) | Reuter |
| Barrow | Daniel | Johnson (34th) | Saunders |
| Beaufort | Deeb | Karl | Sayler |
| Bell | de la Parte | Knopke | Scarborough |
| Bishop | Ducker | Lewis (33rd) | Ware |
| Boyd | Fincher | McClain | Williams |
| Peterson | Gunter | Ott | Wilson |
| Brantley | Henderson | Plante | |

Nays—10

| | | | |
|------------|----------|-------------|-------------|
| Gong | Hollahan | Poston | Weissenborn |
| Graham | Lane | Stolzenburg | |
| Haverfield | Myers | Weber | |

SJR 853 was laid on the table.

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

CONFERENCE COMMITTEE REPORT ON SB 943

The Honorable Jerry Thomas
President of the Senate

April 6, 1972

The Honorable Richard A. Pettigrew
Speaker, House of Representatives

Dear Sirs:

Your Conference Committee on the disagreeing votes of the two Houses on the House amendment to Senate Bill 943, same being:

The Committee on Ways and Means offered the following amendment which was moved by Senator Williams:

Amendment 1—On page 3, line 1 strike everything after the enacting clause and insert:

Section 1. Chapter 218, Florida Statutes, entitled Financial Matters Pertaining to Political Subdivisions, is amended by adding a new part II, entitled Financial Aid to Municipalities.

Section 2. Section 218.201, Florida Statutes, is created to read:

218.201 Short title.—

This act shall be known and cited as “the municipal aid act of 1972.”

Section 3. Section 218.202, Florida Statutes, is created to read:

218.202 Definitions.—

As used in this act, except where the context clearly indicates a different meaning, these terms shall have the following meaning:

(1) “Municipality” means a chartered municipality pursuant to section 2 of article VIII of the State Constitution, and consolidated and metropolitan governments as provided in sections 3 and 6(e) and (f) of article VIII of the State Constitution.

(2) “Department” means the department of revenue.

(3) “Eligibility” means the right of a municipality to receive an amount of money to be determined as provided in this act.

(4) “Entitlement” means the amount of money allocated to a municipality in accordance with the formula provided herein, and within the total funds appropriated.

Section 4. Section 218.211, Florida Statutes, is created to read:

218.211 Eligibility.—

To be eligible to receive financial aid under this act, each municipality shall comply with the following conditions:

(1) Submit an annual financial report to the department in a form to be prescribed by the department.

(2) Submit to the department a copy of the annual post-audit report required by section 167.611, Florida Statutes.

(3) Submit to the department a statement showing that it employs a fiscal year beginning October 1 and ending September 30, or that it plans to adopt such fiscal period not later than July 1, 1974.

Section 5. Section 218.212, Florida Statutes, is created to read:

218.212 Entitlement; apportionment formula.—

Each eligible municipality is entitled to receive during each fiscal year an amount of money determined by its apportionment formula. The apportionment formula shall be computed by weighting equally three factors: ad valorem tax capacity, computed as provided herein; population, weighted as provided herein; and, sales tax collections, as provided herein.

(1) Determine each eligible municipality’s index of per capita ad valorem tax capacity as follows:

(a) Determine each municipality’s per capita nonexempt assessed valuation.

(b) Determine the average per capita nonexempt assessed valuation of all eligible municipalities.

(c) Express each municipality’s per capita nonexempt assessed valuation as a percentage of the average per capita nonexempt assessed valuation of all eligible municipalities.

(d) Determine the reciprocal of each percentage derived in section 218.212(1)(c), Florida Statutes.

(e) Add the reciprocals for all eligible municipalities derived in section 218.212(1)(d), Florida Statutes.

(f) Express each municipality’s reciprocal as derived in section 218.212(1)(e), Florida Statutes, as a percentage of the aggregate of the reciprocals of all eligible municipalities.

(g) Divide each municipality’s percentage, as determined in section 218.212(1)(f), Florida Statutes, by the number three.

(2)(a) Determine each eligible municipality’s weighted population in the following manner:

| Population Up to 3,000 | Weighted Population 100% of the number | Excess over |
|---------------------------|---|-------------|
| 3,001 to 6,000 | 3,000 + 110% of | 3,000 |
| 6,001 to 9,000 | 6,300 + 120% of | 6,000 |
| 9,001 to 14,000 | 9,900 + 130% of | 9,000 |
| 14,001 to 19,000 | 16,400 + 140% of | 14,000 |
| 19,001 to 24,000 | 23,400 + 150% of | 19,000 |
| 24,001 to 34,000 | 30,900 + 160% of | 24,000 |
| 34,001 to 44,000 | 46,900 + 170% of | 34,000 |
| 44,001 to 54,000 | 63,900 + 180% of | 44,000 |
| 54,001 to 74,000 | 81,900 + 190% of | 54,000 |
| 74,001 to 94,000 | 119,900 + 200% of | 74,000 |
| 94,001 to 114,000 | 159,900 + 210% of | 94,000 |
| 114,001 to 144,000 | 201,900 + 220% of | 114,000 |
| 144,001 to 174,000 | 267,900 + 230% of | 144,000 |
| 174,001 to 204,000 | 336,900 + 240% of | 174,000 |
| 204,001 to 244,000 | 408,900 + 250% of | 204,000 |
| 244,001 to 284,000 | 508,900 + 260% of | 244,000 |
| 284,001 to 324,000 | 612,900 + 270% of | 284,000 |
| 324,001 to 374,000 | 720,900 + 280% of | 324,000 |
| 374,001 to 424,000 | 860,900 + 290% of | 374,000 |
| 424,001 to 474,000 | 1,005,900 + 300% of | 424,000 |
| 474,001 to 549,000 | 1,155,900 + 310% of | 474,000 |
| 549,001 to 624,000 | 1,388,400 + 320% of | 549,000 |
| 624,001 to 699,000 | 1,628,400 + 330% of | 624,000 |
| 699,001 to 799,000 | 1,875,900 + 340% of | 699,000 |
| 799,001 to 899,000 | 2,215,900 + 350% of | 799,000 |
| 899,001 to 999,000 | 2,565,900 + 360% of | 899,000 |

(b) Determine each municipality’s weighted population as a percentage of the weighted population of all eligible municipalities.

(c) Divide each municipality’s percentage, as determined in section 218.212(2)(b), Florida Statutes, by the number three.

(3) Determine each municipality’s sales tax collection factor by computing each municipality’s percentage of total sales tax collections attributed to all eligible municipalities, as reported by the department for the prior fiscal year. Divide each municipality’s percentage by the number three.

(4) The sum of each municipality’s three factors as determined in subsections (1), (2) and (3) shall be the respective apportionment formula of each municipality; provided, however, that the computed apportionment formula derived pursuant to this section for consolidated governments and metropolitan governments as provided under section 3 or 6(e) or 6(f) of article VIII of the state constitution shall be adjusted as follows: multiply the computed apportionment formula by the percentage determined by dividing the population of the entire county into the population of the urban service districts, where such have been established, or into the population of the unincorporated area of the county, where urban service areas have not been established. The product shall be the apportionment formula for said consolidated or metropolitan governments.

(c) It is further provided that if the apportionment formulas provided herein do not provide at least as great an amount of money to each municipality as was distributed during fiscal year 1970-71, then the total amount to be distributed according to the formula shall be reduced by the amount required to pay such municipalities a sum as great as the payment during fiscal year 1970-71.

Section 6. Section 218.221, Florida Statutes, is created to read:

218.221 Administration; distribution schedule.—

(1) The department is authorized and directed to administer the provisions of this act within the limitations provided herein and within the amount of funds appropriated for this purpose.

(2) The department is empowered to promulgate rules, regulations, and procedures and to issue special instructions to municipalities as may be required to carry out the provisions of this act.

(3) The department shall compute the apportionment factors as provided in section 218.212, Florida Statutes, employing the latest available population data, whether from federal or authorized state sources, and the most recent equalized assessed valuation data. Factors shall be computed during the first quarter of each fiscal year for use during the entire fiscal year.

(4) Distribution of moneys from the amount appropriated shall be at quarterly intervals.

Section 7. Section 218.231, Florida Statutes, is created to read:

218.231 Minimum guarantee; bond holders protected; continuing appropriation.—The state does hereby covenant with holders of bonds or other instruments of indebtedness issued by municipalities prior to the effective date of this act and for which pledges or assignments of revenue anticipated from taxation of cigarettes may have been made, that it is not the intent of this act to affect adversely any rights of said holders or to affect adversely the capacity of any municipality to meet its obligations. The state does hereby covenant with each municipality that amounts of money distributed to them during any fiscal year shall not be less than the amount distributed during fiscal year 1970-71. There is hereby appropriated annually from the general revenue fund for this purpose the sum of sixty-eight million two hundred thirty-two thousand eight hundred fifty-seven dollars (\$68,232,857), unless the legislature appropriates a larger amount for any fiscal year.

Section 8. Section 218.241, Florida Statutes, is created to read:

218.241 Legislative intent.—It is the intent of the legislature that this act shall provide replacement revenues for municipalities as declared in Section 200.161, Florida Statutes. To that end it is directed that sums distributed to municipalities pursuant to this act shall be considered as general revenues, available for expenditure for any authorized municipal purpose. It is the further intent that the amount of the annual appropriation for the purpose of carrying out this act shall not be less than the sum of amounts anticipated to be collected from the tax on cigarettes at a rate of eleven cents per pack and the tax on motor fuel at a rate of one cent per gallon.

Section 9. Part 1 of Chapter 23, Florida Statutes, is amended by adding a new section 23.019 to read:

23.019 Census of population; use by agencies of government.—

(1) The population of local government units shall be determined by the department of administration. For fiscal year 1972-73, the population of each unit shall be as published by the United States bureau of the census as the 1970 decennial census. For fiscal years beginning after June 30, 1973, the department shall produce and publish updated population census estimates, either through its own resources, or by contract, employing generally accepted statistical procedures.

(2) In determining population of local government units pursuant to subsection (1), the department shall observe the following guidelines:

a. Population shall be computed as the number of residents, not including persons temporarily located within the boundaries of the governmental unit, such as persons occupying overnight accommodations.

b. Inmates residing in facilities of detention, such as jails, prisons, hospitals, and youth centers, shall not be considered to be residents of the governmental unit.

c. Registered students at colleges or universities shall be considered residents for purposes of census determination.

d. Nothing herein shall be construed to prohibit the separate determination of any categories of persons, whether resident or non-resident.

(3) The population of each unit, determined as provided by subsection (1), shall be the official population data for use by all agencies of state and local government in all matters pertaining to local government units. Whenever any provision of

law refers to population in any formula for distribution or expenditure of money, population shall be as determined by subsection (1).

(4) Whenever a municipality shall be newly incorporated, or shall annex any territory, or shall consolidate with another unit of local government, the governing body of said municipality shall submit to the department of administration, within thirty days following incorporation, annexation or consolidation, a statement as to the population effect of the action. The department shall then determine the population of the newly incorporated, enlarged, or consolidated municipality. Whenever any county boundary line shall be changed, a like procedure shall be followed.

Section 10. There is hereby appropriated from the general revenue fund for the fiscal year 1972-73 the sum of one hundred forty million dollars (\$140,000,000) for aid to municipalities. This appropriation shall be in lieu of the amount set forth in section 218.231, Florida Statutes, as a continuing annual appropriation. There is hereby appropriated to the department of administration for the fiscal year 1972-73 the sum of fifty five thousand dollars (\$55,000) for population census estimates.

Section 11. Subsections (1), (3), (4), (5), and (7) of section 210.02; subsections (1) and (8) of section 210.04; subsections (1), (2), and (3) of section 210.05; subsections (2) and (3) and paragraph (a) of subsection (4) of section 210.09; section 210.19; subsections (2) and (3) of section 210.20, all Florida Statutes, are amended to read:

210.02 Cigarette tax imposed; collection; credit for municipal tax; etc.—

(1) An excise or privilege tax, in addition to all other taxes of every kind imposed by law, is imposed upon the sale, receipt purchase, possession, consumption, handling, distribution and use of cigarettes in this state, in the following amounts, except as hereinafter otherwise provided, for cigarettes of standard dimensions:

(a) Upon all cigarettes, as herein defined, four inches long or less, ~~five~~ *eight* and one half mills on each cigarette.

(b) Upon all cigarettes, as herein defined, more than four inches long and not more than six inches long, ~~eleven~~ *seventeen* mills on each cigarette.

(c) Upon all cigarettes, as herein defined, more than six inches long, ~~twenty-two~~ *thirty-four* mills on each cigarette.

(3) Where cigarettes, as described in subsection (1)(a) above, are packed in varying quantities of twenty cigarettes or less, the following rate shall govern:

(a) Packages containing ten cigarettes or less require a ~~five~~ *eight* and one half cent tax; and

(b) Packages containing more than ten but not more than twenty cigarettes require ~~an eleven~~ *a seventeen* cent tax.

(4) Where cigarettes, as described in subsection (1)(b) above, are packed in varying quantities of twenty cigarettes or less, the following rates shall govern:

(a) Packages containing ten cigarettes or less require ~~an eleven~~ *a seventeen* cent tax; and

(b) Packages containing more than ten but not more than twenty cigarettes require a ~~twenty-two~~ *thirty-four* cent tax.

(5) Where cigarettes, as described in subsection (1)(c) above, are packed in varying quantities of twenty cigarettes or less, the following rates shall govern:

(a) Packages containing ten cigarettes or less require a ~~twenty-two~~ *thirty-four* cent tax; and

(b) Packages containing more than ten but not more than twenty cigarettes require a ~~forty-four~~ *sixty-eight* cent tax.

(7) ~~The taxpayer shall be entitled to a credit on the state tax imposed in this section to the extent of any tax imposed by any municipality as authorized in this chapter, such credit to be accomplished by a reduction of the state tax imposed in this section and in the distribution of the tax revenue as hereinafter provided, it being~~ It is the legislative intent that the tax on cigarettes shall be uniform throughout the state, and the same amount of tax shall be collected upon cigarettes

subject to the municipal tax and those cigarettes not subject to a municipal tax.

210.04 Construction; exemptions; collection, etc.—

(1) The amount of taxes, either state or municipal, advanced and paid to the state aforesaid shall be added to and collected as a part of the sales price of the cigarettes sold or distributed, which amount may be stated separately from the price of the cigarettes on all display signs, sales and delivery slips, bills and statements which advertise or indicate the price of the product.

(8) Except as hereinafter provided, all agents shall be liable for the collection and payment of the tax imposed by this chapter or the tax imposed by any municipality as authorized herein, and shall pay the tax to the division by purchasing, under such regulations as it shall prescribe, adhesive stamps of such design and denominations as it shall prescribe.

210.05 Preparation and sale of stamps; discount.—

(1) The tax imposed by this chapter, or by any municipality as authorized herein, shall be paid by affixing stamps in the manner herein set forth, or by affixing stamp insignia through the device of metering machines authorized in this chapter.

(2) The division of beverage shall prescribe, prepare and furnish stamps of such denominations and quantities as may be necessary for the payment of the tax imposed by this chapter, or the tax imposed by any municipality as authorized herein, and may from time to time and as often as it deems advisable provide for the issuance and exclusive use of stamps of a new design and forbid the use of stamps of any other design. The division shall make provisions for the sale of such stamps at such places and at such time as it may deem necessary.

(3)(a) The division may appoint dealers in cigarettes, manufacturers of cigarettes, within or without the state as agents to buy or affix stamps to be used in paying the tax herein imposed, or the tax imposed by any municipality as authorized herein, but an agent shall at all times have the right to appoint a person in his employ who is to affix the stamps to any cigarettes under the agent's control; provided, however, that any wholesale dealer in the state shall have the right to buy and affix such stamps. Whenever the division shall sell and deliver to any such agent or wholesaler any such stamps, such agent or wholesaler shall be entitled to receive as compensation for his services and expenses as such agent or wholesaler in affixing and accounting for the taxes represented by such stamps, and to retain out of the moneys to be paid by him for such stamps, a discount of two and nine tenths percent of the par value of any amount of stamps purchased during any fiscal year from July 1 through June 30 of the following year, up to and including two million stamps, and a discount of two percent of the par value of any amount of stamps purchased during any fiscal year from July 1 through June 30 of the following year in excess of two million stamps; provided, that the discount shall be computed on the basis of fifteen cents tax per pack and no more. All stamps purchased from the division under this chapter shall be paid for in cash on delivery, except as hereinafter provided.

(b) Agents appointed by the division to affix stamps shall be authorized to purchase stamps by executing bond with a solvent surety company qualified to do business in this state, in an amount of one hundred ten percent of the agent's estimated tax liability for thirty days, but not less than two thousand dollars, conditioned upon said agent paying all taxes due the state arising hereunder. This form of payment is in lieu of cash on delivery or its equivalent. Payment for each month's liability shall be due on or before the tenth day of the month following the month in which the stamps were sold. Default in the aforesaid bonding and payment provisions by any agent may result in the revocation of his privilege to purchase stamps except for cash on delivery for a period up to twelve months in the discretion of the division.

210.09 Records to be kept; reports to be made; examination.—

(2) The division of beverage is authorized to prescribe and promulgate by rules and regulations, which shall have the force and effect of the law, such records to be kept and reports to be made to the division by any distributing agent,

wholesale dealer, retail dealer, common carrier, or any other person handling, transporting or possessing cigarettes for sale or distribution within the state as may be necessary to collect and properly distribute the taxes imposed by section 210.02, and the taxes imposed by any municipality as authorized in section 210.03. All reports shall be made on or before the tenth day of the month following the month for which the report is made, unless the division by rule or regulation shall prescribe that reports be made more often.

(3) All distributing agents, wholesale dealers, agents, or retail dealers shall maintain and keep for a period of three years at the place of business where any transaction takes place, such records of cigarettes received, sold or delivered within the state as may be required by the division. The division or its duly authorized representative is hereby authorized to examine the books, papers, invoices and other records, stock of cigarettes in and upon any premises where the same are placed, stored and sold and equipment of any such distributing agents, wholesale dealers, agents or retail dealers, pertaining to the sale and delivery of cigarettes taxable under this chapter. To verify the accuracy of the tax imposed and assessed by this chapter or any municipal tax imposed as authorized herein, each person is hereby directed and required to give to the division or its duly authorized representatives the means, facilities and opportunity for such examinations as are herein provided for and required.

(4)(a) All persons who are either cigarette wholesalers, vending machine operators or distributing agents, and agents and employees of the same, are required to keep daily sales tickets or invoices of cigarette sales and it shall be the duty of said persons to see that each sales ticket and invoice handled by them or on behalf of them show the correct name and address to whom sold and the number of packages or cartons of each brand sold. It shall also be the duty of said persons to see that each sales ticket or invoice correctly shows whether the same is inside or outside of a qualified municipality and if the sale is made within the limits of a qualified municipality, the correct name of the municipality must be indicated.

210.19 Records to be kept by division of beverage.—The division of beverage shall keep records showing the total amount of taxes collected, which records shall disclose the amount of taxes collected for any municipality levying a tax as herein authorized and which records shall be open to the public during the regular office hours of the division.

210.20 Employees and assistants; distribution of funds.—

(2) As collections are received by the division of beverage from such cigarette taxes, it shall pay the same into a trust fund in the state treasury designated "cigarette tax collection trust fund" which shall be paid and distributed as follows: the general revenue fund.

(a) The division shall from month to month certify to the comptroller the amount derived from each municipal tax authorized in section 210.03, and such amount, less the service charge provided for in section 215.22, shall be paid to such municipality by warrant drawn by the comptroller upon the state treasury, which amount is hereby appropriated monthly out of such cigarette tax collection trust fund.

(b) The division shall from month to month certify to the comptroller the amount derived from the cigarette tax imposed by section 210.02 on all cigarettes sold at retail on any property of the Inter-American Center Authority, created by chapter 554, and such amount, less the service charge provided for in section 215.22, shall be paid to said Inter-American Center Authority by warrant drawn by the comptroller upon the state treasury, which amount is hereby appropriated monthly out of such cigarette tax collection trust fund.

(c) The division shall from month to month certify to the comptroller the amount derived from the cigarette tax imposed by section 210.02 in the unincorporated areas of each county. Twenty-seven per cent of such amount, less the service charge provided for in section 215.22, and less any payments to the Inter-American Center Authority made pursuant to this subsection, shall be paid to the board of county commissioners of the respective counties by warrant drawn by the comptroller upon the state treasury, which amounts are hereby appropriated out of the cigarette tax collection trust fund.

(3) After all distributions hereinabove provided for have been made, the balance of the revenue produced from the tax imposed by this chapter shall be deposited in the general revenue fund.

Section 12. Sections 210.025, 210.026 and 210.03, Florida Statutes, are repealed.

Section 13. Subsection (3) of section 323.16, Florida Statutes, is repealed.

Section 14. Subsection (2) of section 206.605, Florida Statutes, is amended to read:

206.605 Additional eighth cent tax on motor fuel.—

(2) For the period beginning July 1, 1971 and ending September 30, 1972, the proceeds of said tax shall be utilized to fund the division of the Florida highway patrol of the department of highway safety and motor vehicles, as provided in items 567 through 571 of section 1 of chapter 71-357, Laws of Florida, the general appropriations act. The proceeds necessary to fund said division shall be distributed to deposited in the general revenue fund of the state. The further proceeds of said tax shall be transferred into the "local government distribution trust fund," which fund is created for distribution as provided in subsection (3). No deduction from these funds shall be made for the service charge provided in sections 215.20 and 215.22.

Section 15. Subsections (3), (4), (5) and (6) of section 206.605, Florida Statutes, are repealed.

Section 16. Section 200.132, Florida Statutes, is repealed.

Section 17. Chapter 218, Florida Statutes, entitled Financial Matters Pertaining to Political Subdivisions, is amended by adding a new part III, entitled Financial Aid to Counties.

Section 18. Section 218.301, Florida Statutes, is created to read:

218.301 Short title.—This act shall be known and cited as "the county aid act of 1972."

Section 19. Section 218.302, Florida Statutes, is created to read:

218.302 Definitions.—As used in this act, unless the context clearly indicates a different meaning, these terms shall have the following meaning:

(1) "County" means a political subdivision of the state pursuant to section 1(a) of article VIII of the State Constitution.

(2) "Department" means the department of revenue.

(3) "Eligibility" means the right of a county to receive an amount of money to be determined as provided in this act.

(4) "Entitlement" means the amount of money allocated to a county in accordance with the formula provided herein, and within the amount appropriated.

Section 20. Section 218.311, Florida Statutes, is created to read:

218.311 Eligibility.—To be eligible to receive financial aid under this act, each county shall submit an annual financial report to the department in a form to be prescribed by the department and such other reports as may be requested by the department.

Section 21. Entitlement.—Each eligible county is entitled to receive during each year an amount of money determined by its apportionment factor as provided herein. This factor shall be expressed as a percentage of the state-wide total entitlement of all eligible counties. It shall be composed of three equally weighted portions as follows:

1. Each eligible county's percentage of the total population of the state.

2. Each eligible county's percentage of the total population of the state residing in unincorporated areas of the counties.

3. Each eligible county's percentage of total sales tax collections during the preceding fiscal year.

Section 22. Section 218.321, Florida Statutes, is created to read:

218.321 Administration; distribution schedule.—

(1) The department is authorized and directed to administer the provisions of this act within the limitations provided herein and within the amount of funds appropriated for this purpose.

(2) The department is empowered to promulgate rules, regulations, and procedures and to issue special instructions to counties as may be required to carry out the provisions of this act.

(3) The department shall compute the apportionment factors as provided in section 218.312, employing the latest available population data, whether from federal or authorized state sources. Factors shall be computed during the first quarter of each fiscal year for use during the entire fiscal year.

(4) Distribution of moneys from the amount appropriated shall be at quarterly intervals.

Section 23. Section 218.331, Florida Statutes, is created to read:

218.331 Minimum distribution; bondholders protected; continuing appropriations.—The state does hereby covenant with holders of any bonds or other instruments of indebtedness issued by counties prior to the effective date of this act and for which pledges or assignments of revenues anticipated from taxation of cigarettes, or intangible personal property, or oil and gas production, or auto road tax may have been made, that it is not the intent of the legislature to affect adversely any rights of said holders or to affect adversely the capacity of any county to meet its financial obligations. The state does hereby covenant with each county that amounts of money distributed to them during any fiscal year shall not be less than the amount distributed during fiscal year 1970-71 from state taxes named in this section. There is hereby appropriated annually from the general revenue fund for this purpose the sum of twenty-nine million eight hundred forty-eight thousand six hundred nine dollars (\$29,848,609), unless the legislature appropriates a larger amount for any fiscal year.

Section 24. Section 218.341, Florida Statutes, is created to read:

218.341 Legislative intent.—It is the intent of the legislature that this act shall provide replacement revenues as stated in section 200.161. To that end it is directed that sums distributed to counties pursuant to this act shall be considered as general revenues, available for expenditure for any authorized county purpose. It is the further intent that the amount of the annual appropriation for the purpose of carrying out this act shall not be less than the sum of amounts anticipated to be collected by the state from the tax on cigarettes at a rate of one cent per pack, fifty-five percent of the tax on intangible personal property, sixty-five percent of the road tax pursuant to section 323.15, and the oil and gas production tax at a rate of one percent.

Section 25. There is hereby appropriated from the general revenue fund for the fiscal year 1972-73 the sum of fifty million dollars (\$50,000,000) for aid to counties. This appropriation shall be in lieu of the amount set forth in section 218.331 as a continuing annual appropriation.

Section 26. Subsection (4) of section 199.292, Florida Statutes, is amended to read:

199.292 Disposition of intangible personal property taxes; appropriations for expenses of assessment and collection; county sharing.—

(4) Each county shall receive each fiscal year ending June 30 an amount equal to 55 percent of the total net intangible taxes collected within the county during the preceding fiscal year. The remaining balance of net collections from this tax shall be transferred to the general revenue fund.

Section 27. Subsections (1) and (2) of section 211.02, Florida Statutes, are amended to read:

211.02 Levy of oil and gas tax and amount thereof; first and second taxes; basis of tax.—

(1) There is hereby levied, to be collected hereafter, as provided herein, an excise tax upon every person engaging or continuing within this state in the business of producing or severing oil or gas, as defined herein, from the soil or water

for sale, transport, storage, profit or for commercial use. The amount of such tax shall be measured by the value of the oil produced and saved, and by the value of the gas produced and sold, or used, is hereby levied and assessed at the following rates; for oil, five per centum of the gross value thereof at the point of production; and for gas, five per centum of the gross value thereof at the point of production; said tax on oil and gas being made up of two separate taxes being:

(a) First oil and gas tax: eighty per centum of the total tax for the state for the use of the general revenue fund.

(b) Second oil and gas tax: twenty per centum of the total tax for the county in which the oil and gas is produced for the use of the general revenue fund of the board of county commissioners.

(2) It is the intention of the legislature to impose the first oil and gas tax as a state excise tax and to impose the second oil and gas tax as a county excise tax to compensate the county in which oil and gas is produced for the loss of ad valorem taxes by reason of the provision of this chapter, and to make it possible for the board of county commissioners of such county to provide the additional public services that will be required in a county where oil and gas are produced.

Section 28. Subsection (1) of section 211.06, Florida Statutes, is amended to read:

211.06 Oil and gas tax trust fund; distribution.—

(1) All taxes herein levied and collected shall be placed in a special fund known as the oil and gas tax trust fund and shall be monthly distributed by the department as follows: the general revenue fund.

(a) The proceeds from the first oil and gas tax shall be paid into the state treasury to the credit of the general revenue fund of the state.

(b) The proceeds from the second oil and gas tax shall be paid into the general revenue fund of the board of county commissioners of the county in which the tax is imposed.

Section 29. Subsections (1) and (2) of section 323.16, Florida Statutes, are amended to read:

323.16 Disposition of moneys collected.—The commission shall keep a separate account of all moneys collected under this part, and said moneys shall be distributed as follows:

(1) Twenty-five Ninety per cent of such funds shall be deposited in the general revenue fund.

(2) Ten percent of such funds shall be deposited in the Florida public service regulatory trust fund as created by section 350.78, for use by the commission in the administration of this part.

Section 30. Subsections (3) and (4) of section 323.16, Florida Statutes, are repealed.

Section 31. Subsection (2)(c) of section 210.20, Florida Statutes, is repealed.

Section 32. This act shall take effect on July 1, 1972.

Senator de la Parte moved the adoption of the following substitute amendment:

Amendment 2—Strike everything after the enacting clause and insert:

Section 1. Chapter 218, entitled Financial Matters Pertaining to Political Subdivisions, is amended by adding a new part II to read:

PART II

REVENUE SHARING ACT OF 1972

218.20 Short title.—This act shall be known, and may be cited, as the "revenue sharing act of 1972."

218.21 Definitions.—As used in this act, except where the context clearly indicates a different meaning:

(1) "Local government" means counties and municipalities and consolidated governments.

(2) "County" means a political subdivision of the state pursuant to Section 1, Article VIII, state constitution.

(3) "Municipality" means a municipality created pursuant to general or special law, and metropolitan and consolidated governments as provided in Section 6(e) and (f) of Article VIII of the state constitution.

(4) "Department" means the department of revenue.

(5) "Entitlement" means the amount of revenue which would be shared with a unit of local government if the distribution from trust funds was based solely on the formula computation.

218.22 Revenue sharing with counties.—

(1) To be eligible to participate in revenue sharing and to receive funds on the basis of distribution by formula in fiscal year 1972-73, a county must report its finances to the department of administration pursuant to Section 216.111 and must certify that persons in its employ as police officers as defined in Section 23.061(1), Florida Statutes, meet the qualifications for employment as established by the police standards council, that its salary structure and salary plans meet the provisions of part IV of chapter 23 and that no police officer is compensated for his services at an annual salary rate of less than six thousand dollars, except the department may waive the minimum police officer salary requirement when a county certifies that it is levying ad valorem taxes at ten mills and that total revenues, including funds received from the revenue sharing trust fund for counties, are insufficient to finance the payment of the minimum salary prescribed herein.

(2) An eligible county's entitlement to receive shared revenue under this act is determined by the following formula:

(a) First, on the basis of the apportionment factor as provided herein, which shall be applied to all receipts available for distribution in the revenue sharing trust fund for counties. The apportionment factor shall be composed of three equally weighted portions as follows:

1. Each eligible county's percentage of the total population of all eligible counties in the state.

2. Each eligible county's percentage of the total population of the state residing in unincorporated areas of the eligible counties.

3. Each eligible county's percentage of total sales tax collections in all eligible counties during the preceding fiscal year.

(b) Second, revenue shared with eligible counties for fiscal year 1972-73 shall be adjusted so that no county shall receive less funds from the revenue sharing trust fund for counties than the amount received in aggregate from the state in fiscal year 1971-72 under the provisions of subsection 210.20(2)(c), tax on cigarettes; subsection 323.16(4), road tax; subsection 199.292(4), tax on intangible personal property; and subsections 211.02(1)(b) and 211.06(1)(b), tax on oil and gas production.

(c) Third, after the adjustment provided in paragraph (b) above, and deducting the amount committed to all the eligible counties, the funds remaining in the trust fund shall be distributed to those counties who qualify to receive additional moneys beyond the amount provided in paragraph (b) under the provisions of paragraph (a) on the basis of the additional moneys of each qualified county to the total additional moneys of all qualified counties.

218.23 Revenue sharing with municipalities.—

(1) To be eligible to participate in revenue sharing and receive funds on the basis of distribution by formula in fiscal year 1972-73 and thereafter, municipalities are required to assess ad valorem taxes, exclusive of taxes levied for debt service or other special millages authorized by the voters, at a millage rate not less than three mills on the dollar, or, to produce revenue equivalent to that which would otherwise be produced by a three mill ad valorem tax through the imposition and collection of occupational licenses, utility taxes, or one or both of these taxes in combination with ad valorem taxes; provided, however, this eligibility requirement shall not apply if the legislature does not adopt a general law authorizing municipalities to levy and collect an occupational license tax. Municipalities must also certify that persons in their employ as police officers as defined in Section 23.061(1), Florida Statutes, meet the qualifications for employment as established by the police standards council, that its salary structure and salary plans meet the provisions of part IV of chapter 23 and that no police officer is compensated for his services at an annual salary rate of less than six thousand dollars, except the department may waive the minimum police officer salary require-

ment when a city certifies that it is levying ad valorem taxes at ten mills and that total revenues, including funds received from the revenue sharing trust fund for municipalities, are insufficient to finance the payment of the minimum salary prescribed herein; must, if it operates municipal electric and gas plants as authorized by Chapter 172, Florida Statutes, have the books and accounts audited annually by a certified public accountant, and furnish certified financial statements to the department; must report its finances annually to the department of administration in accordance with the forms and methods prescribed by the rules of the department of administration pursuant to section 216.111; and must make provision for annual post audits of its financial accounts in accordance with provisions of section 167.611, as created by chapter 71-218, Laws of Florida.

(2) The entitlement for eligible municipalities shall be determined on the basis of the following three factor formula:

(a) The proportion of the population of a given municipality to the total population of all the eligible municipalities in the state as adjusted by the following factors:

(i) for a municipality with a population in excess of 50,000, the population shall be adjusted by multiplying its population by a factor of 1.791;

(ii) for municipality with a population in excess of 20,000, but less than 50,000, the population shall be adjusted by multiplying its population by a factor of 1.709;

(iii) for a municipality with a population in excess of 5,000 but less than 20,000, the population shall be adjusted by multiplying its population by a factor of 1.425;

(iv) for a municipality with a population in excess of 2,000 but less than 5,000, the population shall be adjusted by multiplying its population by a factor of 1.135;

(v) for metropolitan and consolidated governments as provided by section 3 or 6(e) or 6(f) of Article VIII of the state constitution, the population of the unincorporated areas or areas outside of urban service districts, if such have been established, after the adjustment provided in (i) through (iv) above, shall be further adjusted by multiplying the adjusted population by a percentage which is derived by dividing (1.) the total amount of ad valorem taxes levied by the county government on real and personal property in the area of the county outside of municipal limits, as created pursuant to general or special law, or outside of urban service district limits, where such are established, by (2.) the total amount of ad valorem taxes levied on real and personal property by the county and municipal governments.

(b) The proportion of the sales tax collected within a given municipality to the total sales tax collected of all the eligible municipalities in the state. The sales tax collected within a given municipality shall be derived by allocating the amount of sales tax collections for the county in which the municipality is located to each municipality in the county on the basis of such municipality's population to the total population of the county; provided that for metropolitan and consolidated governments as provided by section 3 or 6(e) or 6(f) of Article VIII of the state constitution, the sales tax collection figure, after the adjustment provided herein, shall be further adjusted by multiplying the adjusted sales tax collection figure which reflects sales tax collections in the unincorporated areas or areas outside of urban service districts, if such have been established, by a percentage which is derived by dividing (i) the total amount of ad valorem taxes levied by the county government on real and personal property in the area of the county outside of municipal limits, as created pursuant to general or special law, or outside of urban service district limits, where such are established, by (ii) the total amount of ad valorem taxes levied on real and personal property by the county and municipal governments.

(c) The ratio of the relative local ability to raise revenue to be determined:

(i) first, by dividing the amount per capita that could be raised by a one-mill levy on the assessed real and personal property valuation of all eligible municipalities by the amount per capita that could be raised by a one-mill levy on the total assessed real and personal property valuation of an eligible municipality.

(ii) the population of an eligible municipality shall then be multiplied by the percentage applicable to that municipality as

established under (i) above, provided that for metropolitan and consolidated governments as provided by section 3 or 6(e) or 6(f) of Article VIII of the state constitution, the population after the adjustment provided herein, shall be further adjusted by multiplying the adjusted population of the unincorporated areas or the areas outside of urban service districts, if such have been established, by a percentage which is derived by dividing (1.) the total amount of ad valorem taxes levied by the county government on real and personal property in the area of the county outside of municipal limits, as created pursuant to general or special law, or outside of urban service district limits, where such are established, by (2.) the total amount of ad valorem taxes levied on real and personal property by the county and municipal governments.

(iii) the population, as recalculated to reflect the relative local ability under (i) and (ii) above, shall then be divided by the total recalculated population of all eligible municipalities in the state.

(d) Each of the above three factors, (a) through (c) above, shall be given an equal weight.

(3) An eligible municipality's entitlement to receive shared revenue under this act is determined in the following manner:

(a) First, the formula established in subsection (2) of this section shall be applied to all receipts available for distribution in the revenue sharing trust fund for municipalities;

(b) Second, revenue shared with eligible municipalities in fiscal year 1972-73 shall be adjusted so that no municipality shall receive less funds from the revenue sharing trust fund for municipalities in any fiscal year than the aggregate amount it received from the state in fiscal year 1971-72 under the provisions of Section 323.16(3), Florida Statutes, road tax; Section 210.20(2)(a), Florida Statutes, tax on cigarettes; and Chapter 71-363, Laws of Florida, adding Section 206.605, Florida Statutes, tax on motor fuel; provided that any government exercising municipal powers pursuant to subsection (6)(f) of Article VIII of the state constitution shall not receive less funds from any such revenue sharing trust fund than the aggregate amount it received from the state in fiscal year 1971-72 under the provisions of sections 323.16(3), 210.20(2)(a) and 206.605 plus a seven percent (7%) increase in such amount; and

(c) Third, after the adjustment provided in paragraph (b) above and deducting the amount committed to all the eligible municipalities, the funds remaining in the trust fund shall be distributed to those municipalities who qualify to receive additional moneys beyond the amount provided in paragraph (b) on the basis of the additional moneys of each qualified municipality to the total additional moneys of all qualified municipalities.

218.24 Revenue sharing trust funds; creation and distribution.—

(1) The revenue sharing trust fund for counties is hereby created. All revenue designated for deposit in such fund shall be deposited by the appropriate agency. The distribution to the several counties shall be made monthly as provided in section 218.22 and 218.26.

(2) The revenue sharing trust fund for municipalities is hereby created. All revenue designated for deposit in such fund shall be deposited by the appropriate agency. The distribution to the several municipalities shall be made monthly as provided in section 218.23 and 218.26.

218.25 Limitation of shared funds; holders of bonds protected.—Local governments shall not use any portion of monies received from the revenue sharing trust funds created by this act to assign, pledge, or to set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates or any other form of indebtedness. The state does hereby covenant with holders of bonds or other instruments of indebtedness issued by local governments prior to the effective date of this act that it is not the intent of this act to effect adversely the rights of said holders or to relieve local governments of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from revenue sources which by terms of this act shall henceforth be distributed out of the revenue sharing trust funds.

218.26 Administration; distribution schedule.—

(1) The department is empowered to promulgate procedures and to issue special instructions to local governments as required to carry out the provisions of this act.

(2) Ad valorem assessment rolls and certificates submitted to the department of revenue under the provisions of Chapter 193, Florida Statutes, shall show the assessed valuation of exempt and non-exempt real property for each municipality in a county regardless of whether or not an operating millage is levied by the municipality.

(3) The department shall, for all taxes collected and received into the revenue sharing trust funds, establish a schedule of monthly distribution.

(4) The department shall compute the apportionment factors once each fiscal year for use during the fiscal year.

Section 2. No municipal charter may prohibit or limit the authority of the governing body to levy ad valorem taxes or utility service taxes authorized under section 167.431. Any word, sentence, phrase, or provision, of any special act, municipal charter, or other law, that prohibits or limits a municipality from levying ad valorem taxes within the millage limits fixed by section 9, Article VII of the state constitution, or prohibits or limits a municipality from levying utility service taxes within the limits fixed by section 167.431, is hereby nullified and repealed.

Section 3. Chapter 23, Florida Statutes, is amended by adding new section 23.019, Florida Statutes, to read:

23.019 Population census determination.

(1) The population of local governments shall be determined by the department of administration. For fiscal year 1972-1973, the population statistics published by the United States bureau of the census for the nineteen hundred and seventy decennial census shall be used. Beginning with fiscal year thereafter, the department of administration shall, either through its own resources or by contract, produce up-dated population estimates utilizing accepted statistical practices. The population of local governments, as determined by the department of administration, shall apply to any revenue sharing formula with local governments under the provisions of sections 218.20—218.26, part II of chapter 218.

(2) (a) Population shall be computed as the number of residents employing the same general guidelines used by the United States Bureau of the Census.

(b) Inmates and patients residing in institutions operated by the federal government or by the department of health and rehabilitative services shall not be considered to be residents of the governmental unit in which the institutions are located for the purpose of revenue sharing distribution formulas.

(c) Nothing herein shall be construed to prohibit the separate determination of any categories of persons, whether resident or non-resident.

(3) In cases of annexation or consolidation, local governments shall be required to submit to the department of administration within thirty days following annexation or consolidation a statement as to the population census effect of the action.

Section 4. Sections 163.550—163.561, Part V of Chapter 163, Florida Statutes, are repealed.

Section 5. Part IV of chapter 23, Florida Statutes, is amended by creating a new section 23.078, Florida Statutes, to read:

23.078 Salary incentive program for local law enforcement officers.—

(1) For the purpose of this section the following terms shall have the meaning ascribed below:

(a) Local unit—Any municipality, county or political subdivision of this state employing law enforcement officers.

(b) Law enforcement officer—Any law enforcement officer elected or employed full time by a local unit and whose primary responsibility is the prevention or detection of crime or enforcement of the criminal or traffic laws or ordinances.

(c) Basic certification—A law enforcement officer has been certified for employment as required by sections 23.067, 23.068, 23.069 or 23.075, Florida Statutes, or is exempted as provided for under section 23.077, Florida Statutes.

(d) Approved training course—Satisfactory completion, other than basic certification, of approved police training courses under the police standards council career development program. For the purposes of this act, no course of the career development program shall consist of less than forty (40) hours of advanced or technical police training or police sciences.

(e) Community college—A junior college as approved in section 230.761(1), Florida Statutes.

(f) Community college degree or equivalent—Law enforcement officer holds a document from the police standards council certifying that council records indicate his graduation or completion of at least sixty (60) semester hours or ninety (90) quarter hours at a community college with a major study concentration relating to the criminal justice system. The police standards council may authorize the completion of sixty (60) semester hours or ninety (90) quarter hours at an accredited college or university as meeting the equivalent of a community college degree. For the purpose of this act, the police standards council shall establish what major study concentration areas relate to the criminal justice system.

(g) Accredited college or university—The college or university has been accredited by the southern association of colleges and universities or other accrediting agency which is recognized by the state of Florida for accreditation purposes.

(h) Bachelors degree—Law enforcement officer holds a document from the police standards council certifying that its records indicate his graduation from an accredited college or university with a major study concentration relating to the criminal justice system. For the purpose of this act, the police standards council shall establish what major study concentration areas relate to the criminal justice system.

(2)(a) Each law enforcement officer who meets "basic certification" shall, effective July 1, 1972, and thereafter, receive a sum not exceeding twenty-five dollars (\$25.00) per month, in the manner provided for in paragraph (g) of this subsection.

(b) Each law enforcement officer who has a "community college degree or equivalent" shall, effective July 1, 1974, and thereafter, receive a sum not exceeding thirty dollars (\$30.00) per month in the manner provided for in paragraph (g) of this subsection.

(c) Any law enforcement officer who receives a "bachelor degree" shall, effective July 1, 1974, and thereafter, receive a sum not exceeding fifty dollars (\$50.00) per month in the manner provided for in paragraph (g) of this subsection.

(d) Each law enforcement officer who completes three hundred twenty (320) hours of approved training courses as established by the career development program of the police standards council, shall, effective July 1, 1972, receive a sum not exceeding eighty dollars (\$80.00) per month, provided however, that the council may provide for proportional shares for courses completed in eighty (80) hour units, in a manner provided for in paragraph (g) of this subsection.

(e) The maximum amount any law enforcement officer may receive under this act shall not exceed one hundred thirty dollars (\$130.00) per month.

(f) No local units shall use any state funds received, or any federal funds made available under section 23.073, Florida Statutes, for the purpose of circumventing payment of any currently planned or existing salary or compensation plans which provide normal pay increased periodically to its law enforcement officers.

(g) The bureau of police standards through its board shall establish rules and regulations in cooperation with the department of community affairs as necessary to effectively provide for the proper administration of this act. Such rules and regulations shall include, but not limited to:

1. proper documentation and verification of any claimed training or educational requirement;

2. proper documentation and verification that the local unit has provided in its salary structure and salary plans incentive pay for law enforcement officers as required in this section.

(h) Each local unit shall submit reports to the police standards council on December 31, March 31, June 30, and September 30 of each year containing information relative to compensation of law enforcement officers employed by it.

Section 6. Subsections (1), (3), (4), (5), and (7) of Section 210.02, Florida Statutes, are amended to read:

210.02 Cigarette tax imposed; collection; ~~credit for municipal tax~~; etc.

(1) An excise or privilege tax, in addition to all other taxes of every kind imposed by law, is imposed upon the sale, receipt, purchase, possession, consumption, handling, distribution and use of cigarettes in this state, in the following amounts, except as hereinafter otherwise provided, for cigarettes of standard dimensions:

(a) Upon all cigarettes, as herein defined, four inches long or less, ~~five eight~~ and one half mills on each cigarette.

(b) Upon all cigarettes, as herein defined, more than four inches long and not more than six inches long, ~~eleven seventeen~~ mills on each cigarette.

(c) Upon all cigarettes, as herein defined, more than six inches long, ~~twenty-two thirty-four~~ mills on each cigarette.

(3) Where cigarettes, as described in subsection (1) (a) above, are packed in varying quantities of twenty cigarettes or less, the following rate shall govern:

(a) Packages containing ten cigarettes or less require a ~~five eight~~ and one half cent tax; and

(b) Packages containing more than ten but not more than twenty cigarettes require ~~an eleven a seventeen~~ cent tax.

(4) Where cigarettes, as described in subsection (1) (b) above, are packed in varying quantities of twenty cigarettes or less, the following rates shall govern:

(a) Packages containing ten cigarettes or less require ~~an eleven a seventeen~~ cent tax; and

(b) Packages containing more than ten but not more than twenty cigarettes require a ~~twenty-two thirty-four~~ cent tax.

(5) Where cigarettes, as described in subsection (1) (c) above, are packed in varying quantities of twenty cigarettes or less, the following rates shall govern:

(a) Packages containing ten cigarettes or less require a ~~twenty-two thirty-four~~ cent tax; and

(b) Packages containing more than ten but not more than twenty cigarettes require a ~~forty-four sixty-eight~~ cent tax.

(7) ~~The taxpayer shall be entitled to a credit on the state tax imposed in this section to the extent of any tax imposed by any municipality as authorized in this chapter, such credit to be accomplished by a reduction of the state tax imposed in this section and in the distribution of the tax revenue as hereinafter provided, it being~~ It is the legislative intent that the tax on cigarettes shall be uniform throughout the state, and the same amount of tax shall be collected upon cigarettes subject to the municipal tax and those cigarettes not subject to a municipal tax.

Section 7. Sections 210.025 and 210.026, Florida Statutes, are repealed.

Section 8. Subsection (2) (a) of Section 210.20, Florida Statutes, is amended to read:

210.20 Employees and assistants; distribution of funds.—

(2) (a) The division shall from month to month certify to the comptroller the amount derived from ~~each municipal tax authorized in Section 210.03, and such amount, less the service charge provided for in Section 215.22, shall be paid to such municipality by warrant drawn by the comptroller upon the state treasury, which amount is appropriated monthly out of such cigarette tax collection trust fund. the cigarette tax imposed by Section 210.02, less the service charge provided for in Section 215.22, specifying the amounts to be transferred from the cigarette tax collection trust fund and credited on the basis of thirteen seventeenths of the net collections to the revenue sharing trust fund for municipalities, and one seventeenths of the net collections to the revenue sharing trust fund for counties.~~

Section 9. Paragraph (c) of Subsection (2) of Section 210.20, Florida Statutes, is hereby repealed.

Section 10. Section 210.03, is amended to read:

(Substantial rewording of section. See section 210.03, F.S., for present text.)

210.03 *Prohibition against levying of cigarette taxes by municipalities.—No municipality shall, after July 1, 1972, levy or collect any excise tax on cigarettes.*

Section 11. Subsections (1) and (8) of Section 210.04 are amended to read:

210.04 Construction, exemptions, collection, etc.—

(1) The amount of taxes, ~~either state or municipal~~, advanced and paid to the state aforesaid shall be added to and collected as a part of the sales price of the cigarettes sold or distributed, which amount may be stated separately from the price of cigarettes on all display signs, sales and delivery slips, bills and statements which advertise or indicate the price of the product.

(8) Except as hereinafter provided, all agents shall be liable for the collection and payment of the tax imposed by this chapter ~~or the tax imposed by any municipality as authorized herein~~, and shall pay the tax to the division by purchasing, under such regulations as it shall prescribe, adhesive stamps of such design and denominations as it shall prescribe.

Section 12. Subsections (1) and (2) of Section 210.05, Florida Statutes, are amended to read:

210.05 Preparation and sale of stamps; discount.—

(1) The tax imposed by this chapter, ~~or by any municipality as authorized herein~~, shall be paid by affixing stamps in the manner herein set forth, or by affixing stamp insignia through the device of metering machines authorized in this chapter.

(2) The division of beverage shall prescribe, prepare and furnish stamps of such denominations and quantities as may be necessary for the payment of the tax imposed by this chapter, ~~or the tax imposed by any municipality as authorized herein~~, and may from time to time and as often as it deems advisable provide for the issuance and exclusive use of stamps of a new design and forbid the use of stamps of any other design. The division shall make provisions for the sale of such stamps at such places and at such time as it may deem necessary.

Section 13. Subsections (2) and (3) of Section 210.09, Florida Statutes, are amended to read:

210.09 Records to be kept; reports to be made; examination.—

(2) The division of beverage is authorized to prescribe and promulgate by rules and regulations, which shall have the force and effect of the law, such records to be kept and reports to be made to the division by any distributing agent, wholesale dealer, retail dealer, common carrier, or any other person handling, transporting or possessing cigarettes for sale or distribution within the state as may be necessary to collect and properly distribute the taxes imposed by §210.02, ~~and the taxes imposed by any municipality as authorized in §210.03. All reports shall be made on or before the tenth day of the month following the month for which the report is made, unless the division by rule or regulation shall prescribe that reports be made more often.~~

(3) All distributing agents, wholesale dealers, agents, or retail dealers shall maintain and keep for a period of three years at the place of business where any transaction takes place, such records of cigarettes received, sold or delivered within the state as may be required by the division. The division or its duly authorized representative is hereby authorized to examine the books, papers, invoices, and other records, stock of cigarettes in and upon any premises where the same are placed, stored and sold and equipment of any such distributing agents, wholesale dealers, agents or retail dealers, pertaining to the sale and delivery of cigarettes taxable under this chapter. To verify the accuracy of the tax imposed and assessed by this chapter ~~or any municipal tax imposed as authorized herein~~, each person is hereby directed and required to give to the division or its duly authorized representatives the means, facilities and opportunity for such examinations as are herein provided for and required.

Section 14. Section 210.19, Florida Statutes, is amended to read:

210.19 Records to be kept by division of beverage.—The division of beverage shall keep records showing the total amount of taxes collected, ~~which records shall disclose the amount of taxes collected for any municipality levying a tax as herein authorized~~

and which records shall be open to the public during the regular office hours of the division.

Section 15. Subsections (3) and (4) of Section 323.16, Florida Statutes, is amended to read:

323.16 Disposition of monies collected.—The Commission shall keep a separate account of all monies under this part, and all such monies shall be distributed as follows: placed in the state treasury to be credited as follows

(3) Twenty-five dollars annually to each incorporated city and town for each certificate holder maintaining a depot, warehouse, station, or agency in such city or town in a municipality, to be credited to the revenue sharing trust fund for municipalities.

(4) The remainder of such funds shall be placed in the state treasury to the credit of the state roads distribution trust fund and then shall be paid over monthly by the commission to the state board of administration and credited among the several counties, each county being credited with the same percentage of the whole fund it received for the year 1944, to be used by the said state board of administration in the same manner and for the same purpose as gasoline tax moneys for use by said board under §9, Article XII of the state constitution; revenue sharing trust fund for counties subject to distribution as provided in this act. provided, however, if the foregoing distribution of said tax, or any part thereof, should be held unconstitutional, then and in that event the state road tax shall be paid into the general revenue fund of the state.

Section 16. Section 206.605, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 206.605, Florida Statutes, for present text.)

206.605. Additional eighth cent tax on motor fuel.—

(1) Every distributor of motor fuel, in addition to all other taxes required by law, shall pay an additional tax of one cent per gallon for every gallon of motor fuel sold or used by him or brought into this state by him for sale or for use on which the tax herein provided has not been paid or the payment thereof has not been assumed by a person preceding him in the handling of said lot products. Delivery shall be deemed to be made at the point of destination. This additional license tax of one cent per gallon on motor fuel shall be paid to the department monthly as provided in Section 206.43.

(2) For the period beginning July 1, 1972 and ending October 1, 1972, the proceeds of said tax shall be utilized to fund the division of the Florida highway patrol of the department of highway safety and motor vehicles, as provided in the general appropriations act for fiscal year 1972-73. The proceeds necessary to fund said division shall be distributed to the general revenue fund of the state. The remaining proceeds of said tax shall be transferred into the revenue sharing trust fund for municipalities.

(3) Funds available under this section shall be used only for purchase of transportation facilities and road and street rights-of-way, construction, reconstruction, maintenance of roads and streets, for the adjustment of city-owned utilities as required by road and street construction, and the construction, reconstruction, transportation related public safety activities, maintenance, and operation of transportation facilities. Municipalities and counties are authorized to expend the funds received under this section in conjunction with other cities or counties or state or federal government in joint projects.

(4) (a) If any county or municipality subject to this section does not have the transportation facilities capability, the county or municipality may designate by resolution the projects to be undertaken and the engineering may be thereafter performed and administered and the construction administered by the state department of transportation or, in the case of a municipality, by the appropriate county, if said county has the capability and agrees to undertake the projects.

(b) In the event the county or municipality desires the department of transportation either to perform or administer the engineering services or to administer the construction, or both, it must so indicate at the time of the presentation of the annual budget or, in the case of the municipality, it must so designate at the time the county presents its annual budget.

Section 17. Subsection (4) of section 199.292, Florida Statutes, is amended to read:

199.292 Disposition of intangible personal property taxes; appropriations for expenses of assessment and collection; county sharing.—

(4) Each county shall receive each fiscal year ending June 30 An amount equal to 55 percent of the total net intangible taxes collected except those taxes assessed and levied on January 1, 1972, shall be transferred to the revenue sharing trust fund for counties in the month following collection. within the county during the preceding fiscal year. The remaining balance of net collections from this tax shall be transferred to the general revenue fund.

Section 18. Subsection 211.02(1), Florida Statutes, is amended, subsection 211.02(2), Florida Statutes, is repealed and subsequent subsections shall be renumbered, to read:

211.02 Levy of oil and gas tax and amount thereof; first and second taxes; basis of tax.—

(1) There is hereby levied, to be collected hereafter, as provided herein, an excise tax upon every person engaging or continuing within this state in the business of producing or severing oil or gas, as defined herein, from the soil or water for sale, transport, storage, profit or for commercial use. The amount of such tax shall be measured by the value of the oil produced and saved, and by the value of the gas produced and sold, or used, is hereby levied and assessed at the following rates; for oil, five per centum of the gross value thereof at the point of production; and for gas, five per centum of the gross value thereof at the point of production; said tax on oil and gas being made up of two separate taxes being.

(a) First oil and gas tax:—eighty per centum of the total tax for the state for the use of the general revenue fund.

(b) Second oil and gas tax:—twenty per centum of the total tax for the county in which the oil and gas is produced for the use of the general revenue fund of the board of county commissioners.

(2) It is the intention of the legislature to impose the first oil and gas tax as a state excise tax and to impose the second oil and gas tax as a county excise tax to compensate the county in which oil and gas is produced for the loss of ad valorem taxes by reason of the provision of this chapter, and to make it possible for the board of county commissioners of such county to provide the additional public services that will be required in a county where oil and gas are produced.

Section 19. Subsection (1) of section 211.06, Florida Statutes, is amended to read:

211.06 Oil and gas tax trust fund, distribution.—

(1) All taxes herein levied and collected shall be placed in a special fund known as the oil and gas tax trust and shall be monthly distributed by the department as follows:

(a) Eighty percent (80%) The proceeds from the first oil and gas tax shall be paid into the state treasury to the credit of the general revenue fund of the state.

(b) Twenty percent (20%) The proceeds from the second oil and gas tax shall be paid into the general revenue fund of the board of county commissioners of the county in which the tax is imposed revenue sharing trust fund for counties.

Section 20. Section 211.13 Florida Statutes, is amended to read:

211.13 Tax exclusive.—No other excise or license tax in addition to the tax provided herein shall be imposed by the state, counties, municipalities, drainage districts, road, school and other taxing districts within this state upon any person who produces in any manner any oil or gas by taking it from the earth or water of this state. The several tax assessors of this state and of the cities therein, when assessing the value of any land for ad valorem taxes, shall not increase the value thereof by reason of the fact that there may be oil or gas under the surface of such land, inasmuch as it is impossible under known valuation methods to accurately ascertain the true value of oil and gas in place and taxation thereof is more certainly accomplished after its capture or severance from the earth or water. The value of land for ad valorem tax purposes shall not be increased by reason of the location thereon of any producing oil or gas equipment or machinery used in and around any oil or gas well and actually used in the operation thereof and no ad valorem tax shall be imposed upon such producing equipment and machinery.

Section 21. The balance, as of June 30, 1972, of all funds heretofore distributed to counties or municipalities pursuant to chapters 206, 210, 211 and 323 are hereby appropriated for transfer to the respective revenue sharing trust funds created pursuant to this act.

Section 22. For the fiscal year 1972-73, there is hereby appropriated a sum of one hundred fifty million dollars (\$150,000,000) from the revenue sharing trust fund for municipalities and a sum of thirty-nine million dollars (\$39,000,000) from the revenue sharing trust fund for counties to be distributed in equal monthly amounts as provided herein.

Section 23. There is hereby appropriated a sum of fifty-five thousand dollars (\$55,000) from the general revenue fund to the department of administration for the fiscal year 1972-73 to implement the provisions of this act.

Section 24. Section 200.132, Florida Statutes, relating to municipal financial assistance trust fund is hereby repealed.

Section 25. Subsections 218.20-218.26, inclusive, Part II of chapter 218, Florida Statutes, as created by this act shall be repealed on July 1, 1973, and thereafter shall be of no force or effect.

Section 26. This act shall take effect on July 1, 1972.

Senator Lane moved the adoption of the following amendment to the substitute amendment:

Amendment 2a—On page 1, line 5 strike everything after Section 1. and insert: \$29,500,000 shall be distributed to the counties & municipalities on a per capita basis (And renumber Section 26 as Section 2.)

Senator Pope presiding.

Senator Hollahan moved that time of adjournment be extended until 5:30 p.m.

Senator de la Parte moved as a substitute motion that time of adjournment be extended until final action on CS for HB 4375.

The vote was:

Yeas—23

| | | | |
|----------|-------------|--------------|----------|
| Arnold | Deeb | Haverfield | Poston |
| Beaufort | de la Parte | Horne | Saunders |
| Boyd | Ducker | Karl | Saylor |
| Peterson | Fincher | Lewis (43rd) | Ware |
| Brantley | Gong | Myers | Wilson |
| Broxson | Graham | Ott | |

Nays—19

| | | | |
|---------------|----------------|--------------|-------------|
| Mr. President | Henderson | Lane | Stolzenburg |
| Barrow | Hollahan | Lewis (33rd) | Trask |
| Bell | Johnson (29th) | Plante | Weber |
| Bishop | Johnson (34th) | Reuter | Williams |
| Daniel | Knopke | Scarborough | |

The Chair announced that the motion failed to receive the required two-thirds vote and therefore failed of adoption.

The President presiding.

After discussion and consideration of the rules and previous rulings of the Chair during this extended session, it was ruled that the substitute motion by Senator de la Parte required a majority vote and was now, therefore, adopted.

On motion by Senator Barron, the Senate reconsidered the vote by which HB 3407 was indefinitely postponed, and by two-thirds vote the bill was removed from the table and re-referred to Judiciary—Civil A.

On motion by Senator Barron the rules were waived and the Senate reverted to Messages from the House of Representatives so that messages containing bills relating to Article V could be read.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

April 4, 1972

Sir:

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

By the Committee on Judiciary—

HB 4469—A bill to be entitled An act relating to the judiciary, amending section 25.311, Florida Statutes, to delete reference to obsolete courts and officers, amending section 26.01, Florida Statutes, eliminating reference to population in circuits; amending chapter 26, Florida Statutes, by adding section 26.012 providing the jurisdiction of the circuit court; amending section 26.02, Florida Statutes, to provide for composition of judicial circuits and residence requirements; amending section 27.02, Florida Statutes, providing for duties of state attorney in county court; amending section 29.01, Florida Statutes, providing for number and selection of official court reporters; amending section 29.04, Florida Statutes, by adding subsection (3) to provide for payment by county for cost of reporting in criminal proceedings; providing that certain clerks of courts abolished by revision of Article V shall become deputy clerks of circuit court; amending section 34.01, Florida Statutes, providing for jurisdiction of county court; amending chapter 34, Florida Statutes, by adding section 34.021, providing for qualification of county court judge; amending subsection (1) of section 34.041, Florida Statutes, providing for filing fees in county courts; amending section 34.13, Florida Statutes, providing for prosecution in county court on affidavit or complaint; amending chapter 34, Florida Statutes, by adding section 34.161, providing 48 hours to pay fine before being worked; amending chapter 34, Florida Statutes, by adding section 34.171, to provide that unless the state shall pay the expense, the county shall pay expenses of circuit and county court; amending chapter 34, Florida Statutes, by adding section 34.181 to provide for branch courts; amending chapter 34, Florida Statutes, by adding section 34.191, providing for payment of fines, forfeitures and costs; transferring administrative duties previously performed by county judge's court to county tax collector; amending section 39.01, Florida Statutes, defining juvenile court as circuit court; amending sections 39.12 and 39.18, Florida Statutes, eliminating reference to separate juvenile court and the payment of the salaries of juvenile court judges; amending subsection (2) of section 43.15, Florida Statutes, to provide that a county court judge would serve on the judicial council; amending chapter 43, Florida Statutes, by adding section 43.27, providing that counties shall provide facilities, equipment and unless otherwise provided by the state, personnel for circuit and county courts; amending chapter 43, Florida Statutes, by adding sections 43.28 and 43.29, providing for judicial nominating commissions and establishment of divisions of court; amending subsection (6) of section 112.061, Florida Statutes, to provide circuit and county court judges will receive twenty-five dollars (\$25.00) per diem; amending section 145.051, Florida Statutes, to provide compensation for county comptroller and additional compensation for clerk of circuit court for duties relating to county court; amending section 959.07, Florida Statutes, to conform to the revision of Article V of the constitution; directing statutory revision department to change "juvenile court" to "circuit court" in statutes; repealing sections 25.011, 25.012, 25.061, 25.071 and 25.091, Florida Statutes, which are obsolete provisions concerning the selection and compensation of justices of supreme court practice and procedure; repealing sections 26.03, 26.04, 26.05, 26.051, 26.06, 26.07, 26.08, 26.09, 26.10, 26.11, 26.12, 26.13, 26.14, 26.15, 26.16, 26.161, 26.162, 26.163, 26.164, 26.165, 26.17, 26.43, 26.44, 26.45 and 26.53, Florida Statutes, relating to the composition of judicial circuits, residency requirements of circuit judges and jurisdiction and assignment of circuit judges; repealing section 29.08, Florida Statutes, relating to the appointment of deputy court reporters; repealing sections 31.01, 31.02, 31.03, 31.04, 31.05 and 31.06, Florida Statutes, relating to circuit court commissioners; repealing sections 32.01, 32.02, 32.03, 32.04, 32.05, 32.07, 32.08, 32.09, 32.10, 32.11, 32.12, 32.13, 32.14, 32.15, 32.16, 32.17, 32.175, 32.18, 32.19, 32.20, 32.21, 32.22, 32.23, 32.24, 32.25, 32.26, 32.27, 32.28, 32.29, 32.30, 32.31, 32.32, 32.33 and 32.34, Florida Statutes, relating to the criminal court of record; repealing sections 33.01, 33.02, 33.03,

33.04, 33.05, 33.06, 33.07, 33.08, 33.09, 33.10, 33.11, 33.13 and 33.14, Florida Statutes, relating to civil courts of record; repealing sections 34.02, 34.03, 34.04, 34.05, 34.06, 34.09, 34.10, 34.11, 34.12, 34.14, 34.15, 34.16, 34.18, 34.19, 34.20, 34.21, 34.22, 34.23, 34.24 and 34.25, Florida Statutes, relating to practice, prosecution, clerks, and compensation of judges in county courts; repealing sections 36.01, 36.02, 36.03, 36.04, 36.05, 36.06, 36.07, 36.08, 36.09, 36.10, 36.11, 36.14, 36.15, 36.16, 36.18, 36.19, 36.20, 36.21 and 36.22, Florida Statutes, relating to county judges' court; repealing sections 37.01, 37.011, 37.02, 37.03, 37.05, 37.06, 37.07, 37.08, 37.09, 37.10, 37.11, 37.12, 37.13, 37.14, 37.15, 37.16, 37.21, 37.22, 37.23 and 37.24, Florida Statutes, relating to justice of the peace courts; repealing subsections (2) and (3) of section 39.01 and section 39.15, Florida Statutes, relating to separate juvenile courts; repealing sections 41.01, 41.02, 41.03, 41.04, 41.05, 41.06, 41.07, 41.09, 41.10, 41.11 and 41.12, Florida Statutes, relating to jurors and jury lists for certain county judges' courts; repealing sections 42.01, 42.02, 42.03, 42.04, 42.05, 42.06, 42.07, 42.08, 42.09, 42.10, 42.11, 42.12, 42.13, 42.14, 42.15, 42.16, 42.17, 42.18, 42.19, 42.20, 42.21 and 42.22, Florida Statutes, relating to small claims courts; repealing sections 43.011, 42.012, 43.013 and 43.014, Florida Statutes, relating to county solicitor of Escambia County; repealing sections 43.03, 43.04, 43.041, 43.045, 43.05, 43.06, 43.07, 43.08, 43.09, 43.10, 43.12, 43.13, 43.14 and 43.141, Florida Statutes, relating to constitutional courts of record; repealing sections 43.21, 43.22, 43.23 and 43.24, Florida Statutes, relating to courts of record; repealing section 44.01, 44.02, 44.03, 44.04, 44.05, 44.06, 44.07, 44.08, 44.09, 44.10, 44.12, 44.121, 44.13, 44.14, 44.15, and 44.16, Florida Statutes, relating to county judges' salaries and budgets; repealing section 145.065, Florida Statutes, relating to clerk of court of record; repealing sections 937.01, 937.011, 937.02, 937.03, 937.04, 937.05, 937.06, 937.07, 937.08, 937.09, 937.10, 937.11, 937.12, 937.13, 937.14, 937.15, 937.16, 937.17, 937.18, 937.19 and 939.16, Florida Statutes, relating to proceedings in county judges' and justice of the peace courts; 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

April 4, 1972

Sir:

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

By the Committee on Judiciary and Representative Johnson—

CS for HB 4019—A bill to be entitled An act relating to probate and guardianship; amending section 36.17, Florida Statutes; providing for uniform filing fees for estates; 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

April 3, 1972

Sir:

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

By the Committee on Judiciary—

HB 4423—A bill to be entitled An act relating to municipal courts; implementing section 20(d)(4) of the proposed revision of article V of the state constitution; prescribing certain time limits and providing the means by which the governing body of a municipality may abolish its municipal court; providing for courtrooms; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 4469, CS for HB 4019 and HB 4423, contained in the above messages, were read the first time by title and referred to the Committee on Judiciary—Civil A.

The Honorable Jerry Thomas
President of the Senate

April 6, 1972

Sir:

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

By Senator Barron and others—

SB 1279—A bill to be entitled An act relating to justice of the peace courts; repealing chapter 37, Florida Statutes; providing an effective date.

Which amendment reads as follows:

On page 1, line 13, strike line 13 and insert the following: and all provisions of section 11 of Article V of the Constitution of 1885 which became statutes are hereby repealed.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motion by Senator Barron, the Senate concurred in the House amendment to SB 1279.

SB 1279 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—43

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

Nays—3

Bishop Boyd Broxson

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

The Honorable Jerry Thomas
President of the Senate

April 6, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed SB 1051.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

April 6, 1972

The Honorable Jerry Thomas
President of the Senate

April 6, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed SB 1316.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

April 6, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has adopted SCR 1230.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

April 6, 1972

Sir:

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

| | | |
|---------|---------|---------|
| SB 1312 | SB 1204 | SB 1200 |
| SB 1197 | SB 1198 | SB 1245 |
| SB 1201 | SB 1202 | |
| SB 630 | SB 1084 | |

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

April 6, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed SB 1319.

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

April 6, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has adopted the Conference Committee Report in its entirety and passed as amended by the Conference Committee Report on SB 943.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bill was ordered engrossed.

Senator Barrow presiding.

The President presiding.

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed with amendment—

By Senator de la Parte and others—

SB 1317—A bill to be entitled An act amending Senate Bill No. 1316, enacted in the 1972 regular session of the Florida Legislature, providing a charter government for Hillsborough County, to abolish the office of Sheriff, abolish the Fire Department, and create a Department of Public Safety, and provide for an appointive Director of Public Safety; making such other amendments in said law as shall be necessary to provide for and accommodate such changes; providing a referendum; and providing the condition and date upon which this act shall become effective.

Which amendment reads as follows:

On page 6, lines 28 & 31, after the period insert the following: (formerly the Sheriff)

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motion by Senator Ott, the Senate concurred in the House amendment to SB 1317.

SB 1317 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—45

| | | | |
|----------|----------------|--------------|-------------|
| Arnold | de la Parte | Knopke | Sayler |
| Barrow | Ducker | 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 | |
| Daniel | Johnson (34th) | Reuter | |
| Deeb | Karl | Saunders | |

Nays—None

The Honorable Jerry Thomas
President of the Senate

April 6, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed—

By Representative Johnson and others—

HB 4478—A bill to be entitled An act relating to Gulf Gate Lighting District in Sarasota County, amending Section 1 of Chapter 61-2862, Laws of Florida, as amended, by correcting and 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 the present boundaries of the Gulf Gate Lighting District; 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 4478.

HB 4478, 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 Henderson, HB 4478 was withdrawn from the Committee on Rules, Calendar, Privileged Business and Ethics by two-thirds vote and placed on the calendar.

On motion by Senator Henderson, Rule 4.14 requiring 15 minutes' notice was waived and unanimous consent was obtained to take up HB 4478 out of order.

On motions by Senator Henderson, by two-thirds vote HB 4478 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 | Knopke | Sayler |
| Barrow | Ducker | 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 | |
| Daniel | Johnson (34th) | Reuter | |
| Deeb | Karl | Saunders | |

Nays—None

The Honorable Jerry Thomas
President of the Senate

April 6, 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 4466—A bill to be entitled An act relating to Indian River County; providing for and authorizing the withdrawal of Indian River County from the Central Florida Regional Housing Authority; providing for the method of such withdrawal; 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 4466.

HB 4466, 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 Reuter, HB 4466 was withdrawn from the Committee on Rules, Calendar, Privileged Business and Ethics by two-thirds vote and placed on the calendar.

On motion by Senator Reuter, Rule 4.14 requiring 15 minutes' notice was waived and unanimous consent was obtained to take up HB 4466 out of order.

On motions by Senator Reuter, by two-thirds vote, HB 4466 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 | Knopke | Sayler |
| Barrow | Ducker | 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 | |
| Daniel | Johnson (34th) | Reuter | |
| Deeb | Karl | Saunders | |

Nays—None

The Honorable Jerry Thomas
President of the Senate

April 6, 1972

Sir:

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

By Senators Ware and Wilson—

SB 1177—A bill to be entitled An Act repealing in its entirety the Municipal Charter of the City of Clearwater, Pinellas County, Florida, being Chapter 9710, Special Acts of Florida, 1923, together with all amendments thereto, and enacting a new Municipal Charter of the City of Clearwater, Pinellas County, Florida, to provide for re-incorporation of the City of Clearwater and establishing fundamental principles and standards and setting forth powers, responsibilities and duties of said City and its officers; providing for the severability of the provisions hereof; providing for the repeal of all laws in conflict herewith and providing for said Act to become effective only upon its approval by a majority of the electors of the City of Clearwater voting in a referendum election to be held within sixty days from the date the Act is filed with the Secretary of State.

Amendment 1

On page 4, line 21, strike setting and insert the following: or of an attorney at law, setting

Amendment 2

On page 6, line 20, strike person and insert the following: officer or employee

Amendment 3

On page 7, line 22, strike Section 8 A. and insert the following: A. All powers of the city except such as are vested in the jurisdiction of the municipal court, and except as otherwise provided in this Act, or by the Constitution and laws of the State of Florida, are hereby vested in the city commission. The powers of the city commission shall be exercised by ordinances or resolutions enacted pursuant to this act and the laws and constitution of the State of Florida. All regulatory and police powers shall be exercised only by duly enacted ordinances

Amendment 4

On page 8, line 1; strike lines 1—3 inclusive and insert the following: B. The commission may, by ordinance, establish city departments, offices or agencies in addition to those created by this charter and prescribe the functions of all departments, offices and

Amendment 5

On page 9, line 16, strike lines 16 through end of page and insert the following: may become interested, shall be void.

H. Seawall lines. The city commission of the City of Clearwater is hereby empowered to designate and establish by ordinance not inconsistent with other laws or regulations, seawall lines within the City of Clearwater, beyond which no seawall, bulkhead, dock, pier or any other improvement or structure of any nature shall be built, and beyond which no submerged land shall be filled or used in any manner whatsoever except for use in its natural state for enjoying riparian rights; provided, however, that docks, piers and similar structures may be built beyond the seawall lines with a written permit issued pursuant to regulations contained in city ordinances of the City of Clearwater.

Amendment 6

On page 13, line 8, strike entire section 17 A. and insert the following:

A. Every proposed ordinance or resolution shall be introduced in written or printed form. Before passage on first reading of any ordinance or resolution, a brief summary of said ordinance or resolution shall be included in a written agenda to be published as a newspaper item or published as a legal

notice once in a newspaper of general circulation, prior to the meeting at which the ordinance or resolution is considered. A newspaper of general circulation is defined as being a newspaper published at least five days each week. Said legal notice shall set forth the time and place for a public hearing thereon and for its consideration by the commission. The public hearing may be held separately or in connection with a regular or special commission meeting which may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing the commission may adopt the ordinance or resolution with or without amendment or reject it.

Amendment 7

On page 13, line 21, strike ordinances and insert the following: ordinances and resolutions

Amendment 8

On page 15, after line 14 insert the following paragraph:

The city shall maintain and publish a codified and indexed compilation of all permanent ordinances and resolutions which have a continuing or prospective effect. Copies of such Code of the City of Clearwater shall be made available at reasonable cost to the public together with timely up-dated supplements thereto. The City shall furnish, without charge, a copy thereof to the law library of Pinellas County.

Amendment 9

On page 19, line 10, strike plats and and insert the following: plats and, pursuant to regulations provided by ordinance,

Amendment 10

On page 19, line 22, after line 22 insert the following un-numbered paragraph:

The provisions of chapter 287.022, Florida Statutes, pertaining to purchases of insurance and sections 287.012, 287.052, 287.062, 287.082, 287.092 and 287.102 shall govern all comparable purchasing by the city. For the purposes of applying said chapter within the context of city functions, the city commission shall be deemed equivalent to the "division" as used in said chapter, the word "agency" shall be deemed to mean the city, and the term "head of any state agency" as used in section 287.062 shall be deemed to mean the city manager. All procedural references within said statutes pertaining to statements, copies of reports or internal procedures not of a substantive nature shall not be deemed applicable, it being the intent of this section that the limitations imposed on state agencies pertaining to purchases referred to in the said Florida Statutes shall likewise be imposed on the city.

Amendment 11

On page 19, line 23, strike entire subsection (11) and insert the following: (11) He shall perform such other duties pursuant to ordinance as are specified in this charter or may be required by the commission by ordinance or resolution.

Amendment 12

On page 21, line 18, strike water and insert the following: water and the police of the City of Clearwater

Amendment 13

On page 27, lines 12—17, strike all of lines 12—17 inclusive and insert the following: The city commission of the City of Clearwater shall be governed by the general laws of Florida, pertaining to municipal zoning as contained in the Florida Statutes.

Amendment 14

On page 35, line 7, strike Section 55. and insert the following: The city commission shall have the power to levy taxes each year, subject to the limitations imposed by law, for the ordinary purposes of the municipality including promotion and publicity purposes.

Amendment 15

On page 40, line 6, strike line and insert the following: lien

Amendment 16

On page 41, line 8, strike Section 66 and renumber accordingly

Amendment 17

On pages 41 and 42, line 22, on page 41 strike lines 22 through 31 and on page 42 strike lines 1 through 7 and insert the following: In all cases mentioned in this Act where the city has acquired, or may hereafter acquire, liens for improvements, such liens, or any of them, may be enforced by the said city, or in the name of the city by the holder thereof, as provided by law.

Amendment 18

On page 55, lines 4 and 5, strike , except as otherwise provided by the Charter and ordinances of the City of Clearwater. and insert the following: . (period)

Amendment 19

On page 55, lines 26—29, strike in the exact manner as the signature of the qualified elector appears on the registration books of the supervisor of elections of the County of Pinellas

Amendment 20

On page 66, line 27, strike Section 106 and insert the following:

Section 106. Official acts

A. Any person who files suit against the city commission or any commissioner, as a result of the defendant's act or refusal or failure to act as required by the laws or constitution of Florida, which conduct constitutes an infringement upon his rights under such laws or the constitution of Florida, shall, if successful in enforcing such rights by prosecution of such suit, be entitled to recover compensatory damages and reimbursement for costs and expenses incurred in enforcing such rights; provided, that before such damages or fees shall accrue, the complainant shall serve notice specifying, with reasonable particularity, his objections, the grounds therefor and the proper action demanded; whereupon, if the proper action is taken within twenty (20) days after receipt of such notice, no moneys shall be payable regardless of whether suit shall have theretofore been filed.

B. If the court finds that the conduct of any individual city official with respect to such official matters or acts was willful and such individual, at the time, had knowledge of the illegal or unconstitutional nature of his conduct, the court may order such individual defendant to reimburse the city for any damages awarded.

C. This section shall not apply to any case arising prior to the effective date of this act.

Amendment 21

On page 67, line 5, strike Section 107 and the remainder of the bill and insert the following:

Section 107. Saving clause.

If any section or part of section of this Act shall prove to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity or force or effect of any other section or part of section hereof unless it appears that such other section or part of section is clearly or necessarily dependent upon a section or part of section so held to be unconstitutional or invalid.

Section 108. Charter Review Board.

The city commission shall, by ordinance, establish a Charter Review Board to hold hearings and to make recommendations

to the commission with respect to amendments to this Charter. Such Board shall be established at least once every ten (10) years, but the first Board shall be appointed not less than five (5) years from adoption of this Charter.

Section 109. Construction.

This act shall not be construed to amend, repeal or supercede any provision of general law or any special act applying in any wise to any matter not wholly within the boundaries and legal jurisdiction of the municipality of Clearwater.

Section 110. Referendum.

This act shall become effective only upon its approval by a majority of the electors voting in a referendum election to be held in the City of Clearwater, Florida, within sixty (60) days from date this Act is filed with the Secretary of State. In event such election is not held as authorized and provided this Act is void.

—and requests the concurrence of the Senate therein.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

On motions by Senator Ware, the Senate concurred in House amendments 1 through 21 to SB 1177.

SB 1177 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—45

| | | | |
|----------|----------------|--------------|-------------|
| Arnold | de la Parte | Knopke | Sayler |
| Barrow | Ducker | 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 | |
| Daniel | Johnson (34th) | Reuter | |
| Deeb | Karl | Saunders | |

Nays—None

*The Honorable Jerry Thomas
President of the Senate*

April 6, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed with amendment—

By Senator Scarborough and others—

SB 1320—A bill to be entitled An act authorizing and requiring payment of compensation to certain employees of the Jacksonville Electric Authority for certain hours worked for which payment was not authorized at the time such work was performed; providing an effective date.

—which amendment reads as follows:

On page 12, strike line 16 and insert the following: Jacksonville electric authority employees for which payment was not legally due.

—and requests the concurrence of the Senate therein.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

On motion by Senator Beaufort, the Senate concurred in the House amendment to SB 1320.

SB 1320 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—45

| | | | |
|----------|----------------|--------------|-------------|
| Arnold | de la Parte | Knopke | Sayler |
| Barrow | Ducker | 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 | |
| Daniel | Johnson (34th) | Reuter | |
| Deeb | Karl | Saunders | |

Nays—None

LOCAL CALENDAR

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.

—was read the second time by title. On motion by Senator Daniel, by two-thirds vote HB 3837 was read the third time by title, passed and certified to the House. The vote was:

Yeas—44

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

Nays—1

Bishop

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.

—was read the second time by title. On motion by Senator Stolzenburg, by two-thirds vote HB 3989 was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

| | | | |
|----------|----------------|--------------|-------------|
| Arnold | de la Parte | Knopke | Sayler |
| Barrow | Ducker | 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 | |
| Daniel | Johnson (34th) | Reuter | |
| Deeb | Karl | Saunders | |

Nays—None

Consideration of HB 4103 was deferred.

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.

—was read the second time by title.

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

Amendment 1—On page 1, line 6 strike "and the mayor"

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

Amendment 2—On page 1, lines 17, 18, 19, 20, and 21 strike everything after the period (.)

On motion by Senator Horne, by two-thirds vote HB 4470 as amended was read the third time by title, passed and certified to the House.

Yeas—45

| | | | |
|----------|----------------|--------------|-------------|
| Arnold | de la Parte | Knopke | Sayler |
| Barrow | Ducker | 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 | |
| Daniel | Johnson (34th) | Reuter | |
| Deeb | Karl | Saunders | |

Nays—None

HB 4473—A bill to be entitled An act relating to Putnam County; creating an exemption for Putnam County allowing said county to use mosquito control equipment for purposes other than mosquito control; authorizing Putnam County to dispose of self-propelled or towed vehicles when, in fact, said vehicles become expendable to said county and said vehicles have an appraised value of less than \$300.00.

—was read the second time by title. On motion by Senator Williams, by two-thirds vote HB 4473 was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

| | | | |
|----------|----------------|--------------|-------------|
| Arnold | de la Parte | Knopke | Sayler |
| Barrow | Ducker | 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 | |
| Daniel | Johnson (34th) | Reuter | |
| Deeb | Karl | Saunders | |

Nays—None

On motion by Senator Knopke, by two-thirds vote HB 4339 was removed from the local calendar and re-referred to the Committee on Natural Resources and Conservation.

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.

—was read the second time by title. On motion by Senator Gunter, by two-thirds vote HB 4347 was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

| | | | |
|----------|----------------|--------------|-------------|
| Arnold | de la Parte | Knopke | Sayler |
| Barrow | Ducker | 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 | |
| Daniel | Johnson (34th) | Reuter | |
| Deeb | Karl | Saunders | |

Nays—None

Consideration of HB 4415 was deferred.

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.

—was read the second time by title. On motion by Senator Barrow, by two-thirds vote HB 4418 was read the third time by title, passed and certified to the House. The vote was:

Yeas—45

| | | | |
|----------|----------------|--------------|-------------|
| Arnold | de la Parte | Knopke | Sayler |
| Barrow | Ducker | 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 | |
| Daniel | Johnson (34th) | Reuter | |
| Deeb | Karl | Saunders | |

Nays—None

On motions by Senator Poston, HB 4425 was withdrawn from the Committees on Transportation and Ways and Means by two-thirds vote and placed on the calendar.

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

HB 4425—A bill to be entitled An act relating to the department of transportation; authorizing the department to lease, in the name of the state, toll facilities on which tolls are insufficient to meet rental provisions of any outstanding lease-purchase agreement; providing for limitation on tolls; providing an effective date.

On motions by Senator Bishop, by two-thirds vote, HB 4425 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

| | | | |
|----------|-------------|----------------|-------------|
| Arnold | Deeb | Johnson (34th) | Sayler |
| Beaufort | de la Parte | Knopke | Scarborough |
| Bell | Ducker | Lane | Stolzenburg |
| Bishop | Gong | Lewis (33rd) | Trask |
| Boyd | Graham | Lewis (43rd) | Ware |
| Peterson | Gunter | Ott | Weber |
| Brantley | Henderson | Plante | Williams |
| Broxson | Hollahan | Poston | |
| Childers | Horne | Reuter | |

Nays—2

Karl Wilson

By unanimous consent Senator Daniel was recorded as voting yea; Senator Gunter changed his vote from yea to nay.

On motion by Senator Williams the Senate reconsidered the vote by which—

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.

—passed this day.

On motion by Senator Williams the Senate reconsidered the vote by which CS for HJR 3576 as amended was read the third time on April 4.

On motion by Senator Williams the Senate reconsidered the vote by which amendment 1 was adopted on April 4.

By permission Senator Williams withdrew the amendment.

Senator Pope moved that the Senate do now adjourn to reconvene at 7:00 a.m. The motion was adopted and the Senate adjourned at 5:48 p.m. to reconvene at 7:00 a.m., Friday, April 7, 1972.