

JOURNAL OF THE FLORIDA SENATE

Wednesday, May 30, 1973

The Senate was called to order by the President Pro Tempore at 9:00 a.m.

A quorum present—33:

Barron	Graham	Plante	Ware
Brantley	Gruber	Poston	Weber
Childers	Henderson	Saunders	Williams
de la Parte	Johnson	Saylor	Wilson
Firestone	Johnston	Sims	Winn
Gallen	Lane (31st)	Smathers	Zinkil
Gillespie	Lane (23rd)	Stolzenburg	
Glisson	Lewis	Sykes	
Gordon	Peterson	Vogt	

Excused: Periodically, conferees on SB 1343, SB 118 and HB 1331: Senators Saunders, Williams, Plante, Childers, Trask, Myers, Vogt, Graham, Lane (31st), Pettigrew, Ware, Gallen, Brantley and Weber.

Prayer by the Senate Chaplain, Dr. Robert M. McMillan:

Our God, the pressures of time and circumstance weigh heavily upon these Senators. They have toiled as faithfully as they know how yet there is so much undone and more that must of necessity wait.

May impatient demands made upon them neither goad them into hasty action nor frustrate them with any sense of failure. Better, our God, they build stone upon stone with skilled precision and qualitative results than satisfy the temporary ambitions of some.

Grant us tolerance and patience with each other in the midst of debate and may we never confuse the problem under discussion with the people who oppose our point of view.

In the name of our Lord we pray. Amen.

REPORTS OF COMMITTEE

The Committee on Governmental Operations recommends the following pass:

SB 522	HB 672
SB 570 with 3 amendments	CS for HB 1621
HB 314	HJR 1907

The bills were placed on the calendar.

The Committee on Governmental Operations recommends the following pass: CS for HB 1020 with 2 amendments

The bill was referred to the Committee on Ways and Means under the original reference.

ENGROSSING REPORTS

Your Engrossing Clerk reports amendments to CS for HB 734 have been examined and the bill is returned herewith.

ELMER O. FRIDAY, Secretary

The bill with amendments was ordered certified to the House.

Your Engrossing Clerk reports amendments to—

HB 32	HB 178	HB 311
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—have been examined and the bills returned herewith.

ELMER O. FRIDAY, Secretary

The bills with amendments were ordered certified to the House.

Your Engrossing Clerk to whom was referred—

SB 462 with 1 amendment	SB 945 with 2 amendments
SB 593 with 1 amendment	

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

ELMER O. FRIDAY, Secretary

The bills were certified to the House.

Your Engrossing Clerk to whom was referred—

SB 553 with 2 amendments	SB 753 with 2 amendments
SB 611 with 1 amendment	CS for SB 1321 with 3 amend-
SB 627 with 2 amendments	ments

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

ELMER O. FRIDAY, Secretary

The bills were ordered enrolled.

ENROLLING REPORTS

Your Enrolling Clerk to whom was referred SB 611 reports same has been enrolled, signed by the required Constitutional officers and presented to the Governor on May 30, 1973.

ELMER O. FRIDAY, Secretary

Your Enrolling Clerk to whom was referred—

SB 544	SB 1328
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—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on May 30, 1973.

ELMER O. FRIDAY, Secretary

Your Enrolling Clerk to whom was referred SCR 822 reports same has been enrolled, signed by the required Constitutional officers and filed with Secretary of State on May 30, 1973.

ELMER O. FRIDAY, Secretary

Your Enrolling Clerk to whom was referred SCR 1327 reports same has been enrolled, signed by the required Constitutional officers and filed with Secretary of State on May 30, 1973.

ELMER O. FRIDAY, Secretary

Your Enrolling Clerk to whom was referred—

SB 406	SB 478
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—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on May 30, 1973.

ELMER O. FRIDAY, Secretary

Your Enrolling Clerk to whom was referred—

CS for SB 271	CS for SB 555	SB 772
SB 458	SB 582	SB 923
SB 515	CS for SB 637	

—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on May 30, 1973.

ELMER O. FRIDAY, Secretary

Your Enrolling Clerk to whom was referred—

SB 156 SB 389 SB 531
SB 269 SB 488

—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on May 30, 1973.

ELMER O. FRIDAY, Secretary

MOTIONS RELATING TO COMMITTEE REFERENCE

Senator Winn moved that SJR 266 be withdrawn from the Committee on Governmental Operations and placed on the calendar. The motion failed.

On motion by Senator Poston, SB 170 was withdrawn from the Committee on Governmental Operations by two-thirds vote and placed on the calendar.

On motion by Senator Brantley, HB 1466 was withdrawn from the Committee on Commerce by two-thirds vote and placed on the calendar.

Senate Bills 245, 602 and 1284 were laid on the table.

REQUESTS FOR EXTENSION OF TIME

The Committee on Commerce requests an extension of 10 days for the consideration of the following:

SB 301 by Senator Johnson	SB 896 by Senator Gallen
SB 314 by Senator Johnson	SB 909 by Senator Trask
SB 605 by Senator Poston	SB 914 by Senator Gallen
SB 646 by Senator Barron	SB 920 by Senator Winn
HB 707 by Representative Harris	SB 925 by Senator Johnston
HB 736 by Representative Birchfield	SB 929 by Senator Johnston
HB 737 by Representative Birchfield	SB 930 by Senator Johnston
SB 778 by Senator Gallen	SB 932 by Senator Johnston
SB 779 by Senator Gallen	SB 934 by Senator Johnston
SB 826 by Senator Trask	SB 942 by Senator Saylor
SB 828 by Senator Pettigrew	SB 958 by Senator D. Lane
SB 832 by Senator Gallen	SB 999 by Senator Poston
SB 843 by Senator Gallen	SB 1000 by Senator D. Lane
SB 844 by Senator Gallen	SB 1002 by Senator Brantley
SB 862 by Senator Brantley	SB 1003 by Senator J. Lane
	SB 1004 by Senator Glisson
	SB 1017 by Senator Vogt
	SB 1023 by Senator Deeb

The Committee on Ways and Means requests an extension of 10 days for the consideration of the following:

SB 5 by Senator McClain	SB 135 by Senator Pettigrew
SB 9 by Senator Brantley	SB 137 by Senators de la Parte and Horne
SB 24 by Senator McClain	SB 142 by Senator Zinkil
SB 25 by Senator McClain	SB 144 by Senator Saylor
SB 27 by Senator Childers	SB 147 by Senator Poston
SB 28 by Senator Saylor	SB 154 by Senator Glisson
SB 29 by Senator Childers	SB 155 by Health and Rehabilitative Services Committee
SB 32 by Senator Deeb	SB 157 by Senator Glisson
SB 33 by Senator Childers et al	SB 158 by Senator Glisson
SB 37 by Senator Childers	SB 164 by Senator de la Parte
SB 46 by Senator Deeb	SB 176 by Senator Deeb
SB 62 by Senator Johnson	SB 184 by Senator Plante
SB 68 by Senator Deeb	SB 189 by Senator Henderson
SB 83 by Senator Plante	SB 190 by Senator Henderson
SB 84 by Senator Poston	SB 196 by Senator Zinkil
SB 85 by Senator Deeb	SB 200 by Senator Glisson
SB 88 by Senator Saylor	SB 201 by Senator Henderson et al
SB 91 by Senator McClain	
SB 93 by Senator Brantley	
SB 105 by Senator de la Parte	
SB 106 by Senator Saylor	
SB 108 by Senator Glisson	
SB 134 by Senator Poston	

SB 203 by Senator J. Lane	SB 791 by Senator Saunders
SB 212 by Senator Stolzenburg	SB 794 by Senator Peterson
SB 218 by Senator Saylor	SB 796 by Senator Childers
SB 226 by Senator Childers	SB 800 by Senator Plante
CS for	SB 812 by Senator Vogt
SB 246 by Committee on Transportation	SB 813 by Senator Gallen
SB 262 by Senator de la Parte	SB 821 by Senator Childers
SB 263 by Senator de la Parte	SB 830 by Senator Graham
SB 304 by Senator Johnson	SB 839 by Senator Graham
CS for	SB 848 by Senator J. Lane
SB 306 by Governmental Operations Committee	SB 849 by Senator Sykes
SB 308 by Senator J. Lane	SB 852 by Committee on Consumer Affairs
SB 349 by Senator Scarborough	SB 856 by Senator Deeb
SB 377 by Senator Pettigrew	SB 861 by Senator Childers
SB 384 by Senator Deeb	SB 872 by Senator Pettigrew
SB 386 by Senator Glisson	SB 874 by Senator Peterson
SB 395 by Senator Saunders	SB 875 by Senator Sykes
SB 432 by Senator Poston	SB 885 by Senator Peterson
SB 450 by Committee on Judiciary	SB 889 by Senator Graham
SB 459 by Senator Gillespie	SB 891 by Senator Peterson
SB 477 by Senator Ware	SB 898 by Senator Glisson
SB 491 by Senator Saylor	SB 903 by Senator Graham
SB 492 by Senator Stolzenburg	SB 915 by Senator Childers
SB 504 by Senator McClain	SB 921 by Senator Graham
SB 512 by Senator Deeb	SB 936 by Committee on Transportation
SB 538 by Senator Johnson	SB 948 by Senator Gillespie
SB 541 by Senator Trask	SB 952 by Senator Graham
SB 548 by Senator Trask	SB 953 by Senator Saunders
SB 549 by Senator Trask	SB 959 by Senator Johnson
SB 550 by Senator Trask	SB 960 by Senator Firestone
SB 565 by Senator Sykes	SB 961 by Senator Scarborough
SB 568 by Senator Pettigrew	SB 973 by Committee on Education
SB 569 by Senator Zinkil	SB 978 by Senator Vogt
SB 570 by Senator Sykes	SB 979 by Senator Horne
SB 580 by Senator McClain	SB 986 by Senator Plante
SB 589 by Senator Sykes	SB 997 by Senator Barron
SB 597 by Senator T. Johnson	SB 998 by Senator Graham
SB 607 by Committee on Education	SB 1007 by Senator Graham
SB 616 by Senator Poston	SB 1014 by Senator Sykes
SB 617 by Senator Peterson	SB 1015 by Senator Vogt
SB 618 by Senator Peterson	SB 1030 by Senator Lewis
SB 632 by Senator Brantley	SB 1032 by Senator Barron
SB 649 by Senator Brantley	SB 1043 by Committee on Agriculture
SB 653 by Senator Peterson	SB 1045 by Senator Myers
SB 658 by Senator Gillespie	SB 1051 by Senator Henderson et al
SB 676 by Senator Ware	SB 1079 by Senator de la Parte
SB 686 by Senator Lewis	SB 1080 by Senator de la Parte
SB 701 by Senator Pettigrew	SB 1083 by Senator D. Lane, et al
SB 705 by Committee on Commerce	SB 1086 by Senator Smathers
SB 706 by Senator Plante	SB 1095 by Committee on Health and Rehabilitative Services
SB 708 by Senator Firestone	SB 1096 by Committee on Health and Rehabilitative Services
SB 714 by Senator D. Lane	SB 1101 by Senator Williams
SB 719 by Senator Ware	SB 1102 by Senator Williams
SB 720 by Senator Scarborough	SB 1109 by Senator Williams
SB 729 by Senator Gillespie	SB 1114 by Senator Myers
SB 730 by Senator Gillespie	SB 1135 by Senator Williams
SB 733 by Senator Scarborough	SB 1136 by Senator Williams
SB 734 by Senator Pettigrew	SB 1138 by Committee on Health and Rehabilitative Services
SB 735 by Senator Childers	SB 1142 by Senator Gillespie
SB 736 by Senator Childers	SB 1154 by Senator Childers
SB 739 by Senator Childers	SB 1181 by Committee on Health and Rehabilitative Services
SB 745 by Senator Scarborough	SB 1185 by Senator Ware
SB 755 by Senator Firestone	SB 1186 by Senator Graham
SB 762 by Senator Vogt	SB 1188 by Senator Saunders
SB 764 by Senator Peterson	SB 1189 by Senator Saunders
SB 782 by Senator de la Parte	SB 1196 by Senator Poston
SB 789 by Senator Deeb	SB 1213 by Senator de la Parte
SB 790 by Senator Deeb	SB 1214 by Senator Glisson
	SB 1215 by Senator Gordon
	SB 1227 by Senator Ware

SB 1241 by Senator McClain
 SB 1246 by Senator Lewis
 SB 1247 by Senator Henderson
 SB 1262 by Senator Firestone
 SB 1263 by Senator Myers
 SB 1273 by Senator Johnson
 SB 1276 by Senator de la Parte
 SB 1277 by Senator Lewis
 SB 1280 by Senator Gillespie
 SB 1313 by Senator Peterson
 CS/SB 102 by Senator Firestone
 CS/SB 250 by Committee on Natural Resources
 CS/SB 296 by Committee on Judiciary
 SB 346 by Senator McClain
 SB 383 by Senator Henderson
 SB 586 by Senator Lewis
 SB 690 by Senator Gillespie
 CS/SB 803 by Committee on Education
 SB 804 by Senator Gordon
 SB 845 by Senator Gallen
 SB 1044 by Senator Pettigrew, et al
 CS/SB 1162 and 1166 by Committee on Education
 SB 1163 by Senator Myers
 SB 1197 by Senator Ware, et al
 SB 1226 by Senator Gordon
 SB 1249 by Senator Deeb
 SB 1281 by Senator Poston
 SB 1290 by Senator Peterson
 CS/SB 1291 by Committee on Education
 CS/SB 443 and 455 by Committee on Education
 SB 1239 by Senator Gallen
 CS for SB 310 by Education Committee
 CS for SB 759 by Education Committee
 SB 804 by Senator Gordon
 CS for SB 808 by Health and Rehabilitative Services Committee
 SB 901 by Senator Graham, et al
 CS for SCR 918 by Education Committee
 CS for SB 1075 by Education Committee
 HB 589 by Representative Redman

HB 624 by Representative Tobiassen
 HB 770 by Committee on Retirement, Personnel & Claims
 HB 814 by Representative Harris
 HB 1040 by Representative Langley
 HB 1298 by Representative Harris
 HB 1908 by Committee on Retirement, Personnel & Claims
 CS for HB 1 by Appropriations Committee
 CS for HB 432 by Appropriations Committee
 CS for HB 435 by Appropriations Committee
 HB 549 by Representative Malloy, et al
 HB 624 by Representative Tobiassen
 HB 717 by Representative Conway
 HB 814 by Representative Harris
 HB 1006 by Representative Harris
 HCR 1040 by Representative Langley
 HB 1293 by Representative Turlington
 HB 1298 by Representative Harris
 HB 1364 by Representative Rish
 CS for HB's 1617 and 1711 by Appropriations Committee
 HB 1770 by Representative Turlington
 HB 1834 by Representative Redman
 HB 1959 by Appropriations Committee
 HB 2121 by Appropriations Committee
 HB 1295 by Representative Turlington
 HB 1317 by Representative Harris
 HB 1318 by Representative Harris
 HB 1376 by Representative Turlington

Honorable Mallory E. Horne
 President of The Senate
 The Capitol

May 29, 1973

Dear Mr. President:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I hereby transmit to you with my objections Senate Bill 172, enacted by the Legislature during the Regular Session commencing April 1, 1973, and entitled:

An act relating to legislative procedure; amending §11.011, Florida Statutes; establishing procedure for convening and extending a special legislative session by gubernatorial proclamation; requiring the governor to communicate his legislative proposals in bill form prior to convening the special session; providing for public notice of meetings during a special session providing an effective date.

Senate Bill 172 attempts to place limitations on the constitutional authority of the Governor to call a special session of the Legislature and his ability to present matters to the Legislature for consideration. In my view the limitations sought to be imposed are both unworkable and clearly unconstitutional.

Article III, Section 3 (c), of the Florida Constitution establishes the basic constitutional framework for special sessions of the legislature:

(c) Special Sessions

(1) The Governor, by proclamation stating the purpose, may convene the legislature in special session during which only such legislative business may be transacted as is within the purview of the proclamation, or of a communication from the governor, or is introduced by consent of two-thirds of the membership of each house.

(2) A special session of the legislature may be convened as provided by law.

Subparagraph (1) is a clear and unequivocal constitutional grant of executive authority, similar to the provision contained in the Constitution of 1885.

Subparagraph (2) provides that a special session of the legislature may be convened as provided by law. Chapter 11.011, Florida Statutes, enacted pursuant the authority of subparagraph (2), establishes by law the method of convening a special session by joint proclamation of the President of the Senate and Speaker of the House. However, Senate Bill 172, which amends Chapter 11.011, overreaches the constitutional authorization in subparagraph (2) in that it limits and restricts the gubernatorial powers granted by the constitution in subparagraph (1).

There are two areas of limitation that Senate Bill 172 seeks to impose which cause me particular concern. First, a fifteen day notice requirement would be imposed. A governor would be required to file a proclamation setting the date and subjects of legislative business fifteen days prior to the convening of a special session, except in cases of enemy invasion, natural disaster, extreme emergency or written concurrence of the presiding officers of both houses of the Legislature.

While it does not appear at the present time that an extension or special session will be necessary to complete all essential business of this 1973 Regular Session of the Legislature, I should remind you that in both 1971 and 1972, it became my duty and responsibility to convene short special sessions immediately following the regular legislative session in 1971 to complete action on the appropriations bill and in 1972 to complete the implementation of the Judicial Article V. In both instances, I submit, although the prior notice was much less than fifteen days, the constitutional powers of the Office of the Governor granted by Article III, Section 3, were exercised in a responsible and appropriate manner to the benefit of the citizens of Florida.

The experiences of 1971 and 1972 illustrate both the practical difficulties and the constitutional problems of Senate Bill 172. In each instance, a fifteen day delay would have been possible but not necessary in terms of public notice or desirable in terms of the need for prompt attention to important legislative business. It is possible that the alternative of joint proclamation by the presiding officers of each house might have been utilized in the situation. It was not and, in any case, it is easy to imagine future situations in which this alternative would

The Committee on Ways and Means requests an extension of 10 days for the consideration of the following:

SB 213 by Senator Vogt
 SB 260 by Senator McClain
 SB 467 by Senator Firestone
 SB 471 by Senator McClain
 SB 580 by Senator McClain
 SB 653 by Senator Peterson
 SB 782 by Senator de la Parte
 SB 783 by Senator Gordon
 SB 839 by Senator Graham
 SB 874 by Senator Peterson
 SB 948 by Senator Gillespie
 SB 1280 by Senator Gillespie

SB 704 by Senator Poston
 SB 707 by Senator Myers
 HB 1909 by Committee on Retirement, Personnel & Claims
 HB 1940 by Committee on Retirement, Personnel & Claims
 HB 1956 by Committee on Appropriations
 HB 1958 by Committee on Appropriations

Senator Barron presiding.

MESSAGES FROM THE GOVERNOR

VETOED BILL 1973 REGULAR SESSION

The following message from the Governor was read:

be foreclosed. Most importantly, the clear constitutional grant of executive authority which I chose to exercise in these instances simply should not be and cannot be altered and limited by general law.

Senate Bill 172 also requires that the governor "shall communicate his legislative proposals by filing same in bill form not less than ten calendar days prior to the commencement of a special session." Taken together with the fifteen day requirement for setting date and legislative business, this requirement would appear to be an attempt to limit by statute the constitutional provision that "only such legislative business may be transacted as is within the purview of the proclamation, or a communication from the governor . . ." Clearly, the legislature cannot limit by statute the governor's authority to define the scope of a special session call by proclamation, amended proclamation or communication to the legislature.

Furthermore, this requirement oversimplifies the relationship between the executive and the legislative branches of government in the legislative process. Frequently, as you know, legislative proposals are placed in final bill form only after considerable work with appropriate legislative committees and members of the legislature. Also, there is no requirement that a governor ever present his legislative proposals in bill form.

As a mandatory requirement, this provision is impractical and probably unconstitutional, although I, as Governor, have made and will continue to make every effort to complete legislative recommendations as early as possible for both special and regular sessions and provide as much relevant information as I can to the legislature, including proposed legislation in bill form.

Senate Bill 172 also addresses the question of legislative extension of a special session by 3/5 vote of each house when a session is called for a period less than the twenty day constitutional maximum. The constitution is silent regarding this situation, stating simply that "a special session shall not exceed twenty consecutive days, unless extended beyond such limit by a 3/5 vote of each house."

While this provision, too, may raise constitutional questions, it does not, in my opinion, present the clear difficulties of the other two limitations since it does not contradict or limit express constitutional authority of another branch of government. Rather, it simply expands by statute the legislature's constitutional right of extension by a 3/5 vote to cover situations wherein the legislature has been called into special session, either by the proclamation of the Governor or the presiding officers of each house for a period of less than the twenty day maximum. It is reasonable that 3/5 of the membership be given authority to complete work they have been called by the Governor or their presiding officers to accomplish with assurance of adequate time in which to act.

The ability to extend any special session by 3/5 vote of both houses, taken together with the constitutional provision that the legislature may at any time adjourn for more than 72 consecutive hours pursuant to concurrent resolution, would fully protect the legislature from any possible abuse, should there ever be a chief executive who would arbitrarily use the constitutional powers of the Office of Governor.

I personally favor the provisions of Senate Bill 172 relating to extension. However, with regard to the fifteen day requirement for filing of proclamation and ten day requirement for communication of legislative proposals in bill form, the legislature is attempting to place limits on the Office of Governor that are both unworkable in a practical sense and clearly unconstitutional as a restriction of the express authority granted by Article III, Section 3. For these reasons, although I understand and appreciate the good faith motivation underlying this legislation, I am withholding my approval of Senate Bill 172, Regular Session of the Legislature commencing April 1, 1973, and do hereby veto the same.

Sincerely,
REUBIN ASKEW
Governor

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

SB 172 (1973 Regular Session) passed by the required constitutional two-thirds vote of all members present and was certified to the House. The vote was:

Yeas—29

Mr. President	Glisson	Lewis	Sykes
Barron	Gordon	Peterson	Vogt
Brantley	Graham	Poston	Ware
Childers	Gruber	Saunders	Weber
de la Parte	Henderson	Sayler	Zinkil
Firestone	Johnson	Sims	
Gallen	Lane (31st)	Smathers	
Gillespie	Lane (23rd)	Stolzenburg	

Nays—4

Johnston	Myers	Wilson	Winn
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By unanimous consent Senators Plante and Deeb were recorded as voting yea.

The President Pro Tempore presiding.

The Governor advised that he had transmitted to the office of the Secretary of State Senate Bills 219, 904 and 1326 which will become law without his signature.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 29, 1973

I am directed to inform the Senate that the House of Representatives has adopted SCR 691.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 30, 1973

I am directed to inform the Senate that the House of Representatives has passed Senate Bills 1187, 866, 560, 687 and 963.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 30, 1973

I am directed to inform the Senate that the House of Representatives has passed SB 334, SB 1287.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 30, 1973

I am directed to inform the Senate that the House of Representatives has adopted SCR 231, SCR 756.

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable Mallory E. Horne, President May 30, 1973

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment and passed as further amended SB 847.

Allen Morris, Clerk

The bill was ordered engrossed.

The Honorable Mallory E. Horne, President May 30, 1973

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

CS for HB's 93 & 353	HB 425	HB 899
CS for HB 689	HB 826	HB 535
HB 583	HB 1979	HB 2082
HB 1588		

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 28, 1973

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

By the Committee on Appropriations and the Committee on Education and Representative Conway—

CS for HB 1272—A bill to be entitled An act relating to education; providing for the establishment of teacher education centers through regulations to be adopted by the state board of education; establishing a state council for teacher education centers composed of twelve (12) members; providing that existing facilities be used to house teacher education centers; providing for the administration and staffing of teacher education centers; providing for coordination of multidistrict centers; providing for an annual evaluation of teacher education centers; providing for the joint funding of teacher education centers; amending §236.04(7), Florida Statutes, 1972 Supplement, to provide for special teacher services units to be allocated to school districts for teacher education center staffing; providing for state appropriation for noncredit student contact hours of instruction by faculty of the state university system and other noncredit activities; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB 1272, contained in the above message, was read the first time by title and referred to the Committees on Education and Ways and Means.

On motions by Senator Saunders, CS for HB 1272 was withdrawn from the Committees on Education and Ways and Means by two-thirds vote and placed on the calendar.

The Honorable Mallory E. Horne, President May 28, 1973

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

By the Committee on Appropriations and Representative Savage and others—

CS for HB 987—A bill to be entitled An act relating to career service; amending section 110.051, Florida Statutes, by adding a new paragraph to subsection (2) to exempt certain positions within the public service commission from the provisions of the chapter; amending section 350.78, Florida Statutes, by adding a new subsection (6) to provide for certain compensations; providing an effective date.

By the Committee on Judiciary and Representative Hector—

CS for HB 1830—A bill to be entitled An act relating to commercial transactions; providing definitions; providing requirements for assumption of liability or hold harmless contracts, agreements or other binding paper; providing consequences if the act is violated; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB 987, contained in the above message, was read the first time by title and placed on the calendar.

CS for HB 1830, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

The Honorable Mallory E. Horne, President May 28, 1973

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

By the Committee on Judiciary and Representative MacKay and others—

HB 2070—A bill to be entitled An act relating to affairs of decedents, missing persons, protected persons, minors, incapacitated persons and certain others; establishing a uniform probate code study commission; repealing sections 69.031, 654.04, 665.301 and 665.311, Florida Statutes, relating to such matters; repealing chapters 293, 294, 690, 691, 731, 732, 733, 734, 735,

736, 737, 744, 745, 746 and 747, Florida Statutes, relating to veterans' guardianship, uniform principal and income law, trust administration, Florida probate law and estates of decedents, and Florida guardianship law; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 2070, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

The Honorable Mallory E. Horne, President May 28, 1973

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

By Representative MacKay—

HB 1741—A bill to be entitled An act relating to the state board of independent colleges and universities; amending §246.021(1) (d), (e) and (f), (5), (6), 1972 Supplement to Florida Statutes, and §§246.051, 246.081 (1), and 246.091, Florida Statutes; clarifying existing requirements for licensing of nonpublic colleges; providing an effective date.

By Representative Carlucci—

HB 414—A bill to be entitled An act relating to education; amending §230.23(8), Florida Statutes, 1972 Supplement, relating to powers and duties of school boards, to provide for door-to-door transportation of physically handicapped students; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 1741, contained in the above message, was read the first time by title and placed on the calendar.

HB 414, contained in the above message, was read the first time by title and referred to the Committees on Education and Ways and Means.

The Honorable Mallory E. Horne, President May 28, 1973

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

By the Committee on Appropriations and the Committee on Education and Representatives Johnson and Conway—

CS for HB 1101—A bill to be entitled An act relating to education; providing matching state funds for the support of elementary reading/language arts resource specialists in grades 1-6; directing the state board of education to adopt regulations for the certification of said specialists; providing for specified duties and responsibilities of reading/language arts resource specialists; providing for the training of reading/language arts resource specialists; providing for the approval of plans by the state commissioner of education; providing an effective date.

By the Committee on Criminal Justice and Representative Shreve—

HB 2008—A bill to be entitled An act relating to county court clerks; creating §34.032, Florida Statutes, to allow circuit court clerks acting as county court clerks to appoint deputies; providing a limit on the powers of certain deputies to issue arrest warrants only; creating §34.13(6), Florida Statutes; providing that county court clerks or deputy county court clerks may issue arrest warrants for violation of municipal ordinances; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB 1101, contained in the above message, was read the first time by title and referred to the Committees on Education and Ways and Means.

HB 2008, contained in the above message, was read the first time by title and placed on the calendar.

The Honorable Mallory E. Horne, President May 28, 1973

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

By Representative Webb and others—

HB 1702—A bill to be entitled An act relating to equal accommodations for the handicapped, amends subsection (1)(a) of section 413.08, Florida Statutes, to provide that physically handicapped persons have equal privileges in all places of public accommodation; amends subsection (2) of section 413.08, Florida Statutes, to provide that it shall be a misdemeanor offense for any person or corporation to deny admittance to a public facility to a physically handicapped person; amends subsection (4) of section 413.08, Florida Statutes, to provide equal access for physically handicapped persons as renters, lessees, or purchasers of housing accommodations; amends subsection (4)(b) of section 413.08, Florida Statutes, to provide that a lessor or vendor of property is not required to modify his property or provide a higher degree of care for a handicapped person than for a person not so handicapped; provides an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 1702, contained in the above message, was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

The Honorable Mallory E. Horne, President May 28, 1973

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

By Representative Kutun—

HB 619—A bill to be entitled An act relating to insurance contracts and coverage for mental and emotional disorders; adding subsection (4) to §627.419, Florida Statutes, 1972 Supplement; authorizing payment or reimbursement for professional services rendered by a physician licensed under chapter 458 or chapter 459 or by a qualified psychologist licensed under chapter 490, Florida Statutes; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 619, contained in the above message, was read the first time by title and referred to the Committee on Commerce.

The Honorable Mallory E. Horne, President May 28, 1973

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

By the Committee on Agriculture & Citrus—

HB 646—A bill to be entitled An act relating to citrus; creating §601.158, Florida Statutes, to make provision for the department of citrus to conduct a research and development program on harvesting and/or handling problems relating to the Florida citrus industry; imposing on the producer an excise tax of one cent (1¢) per standard packed box of citrus fruit taxed under §601.15, Florida Statutes, said tax not to exceed one cent (1¢) per standard packed box of citrus in any one (1) year, and not to exceed a total of three cents (3¢) during a maximum six (6) year period; the commission having the authority to lower below the one cent (1¢) level, or suspend said tax during said six (6) year period; providing that the provisions of §601.15, Florida Statutes, shall apply to this act except to the extent of inconsistencies; providing for payment of taxes collected into a trust fund; providing purpose for expenditure of funds by the department of citrus; providing authority for the department of citrus to contract for technical and professional services; providing authority for the department of citrus to enter contracts or agreements to carry out objectives of this act; providing for expiration of tax imposed by August 31, 1979; providing authority for department of citrus to transfer and repay funds in trust fund; providing an appropriation of the funds collected by the excise tax to the

department of citrus; providing for liberal construction; providing for appointment of an advisory committee; providing for referendum to effectuate this act.

By Representative Andrews and others—

HB 1135—A bill to be entitled An act relating to insurance; amending §627.419(3), Florida Statutes, 1972 Supplement, to provide that podiatrists be paid from the proceeds of medical policies, if the procedures performed are within the scope of their professional license; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 646, contained in the above message, was read the first time by title and placed on the calendar.

HB 1135, contained in the above message, was read the first time by title and referred to the Committee on Commerce.

The Honorable Mallory E. Horne, President May 28, 1973

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

By the Committee on Commerce and Representative Martinez and others—

CS for HB's 530, 531, 592, 971, & 1398—A bill to be entitled An act relating to barbers; creating §476.051, Florida Statutes; providing for qualifications of certain applicants for certificates as barbers and providing for the waiver of a second examination under certain circumstances; adding subsection (5) to §476.09, Florida Statutes, 1971; providing for the translation of a barber's examination into a language other than English under certain circumstances; adding subsections (5), (6), (7), and (8) to §476.15, Florida Statutes, 1971, relating to hearings on refusal to issue or revocation or suspension of certificates; amending §476.24(6), Florida Statutes, 1971; providing that it shall be a misdemeanor of the second degree to commit certain offenses with respect to barbering; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB's 530, 531, 592, 971, and 1398, contained in the above message, was read the first time by title and referred to the Committee on Governmental Operations.

The Honorable Mallory E. Horne, President May 28, 1973

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

By Representative Melvin and others—

HB 661—A bill to be entitled An act relating to hotels and restaurants; amending §509.151, Florida Statutes, 1971, to provide that anyone who obtains food, lodging, or other accommodations at certain hotels with intent to defraud where the food, lodging, or accommodations have a value of less than one hundred dollars (\$100) is guilty of a misdemeanor of the second degree but if the value is more than one hundred dollars (\$100) the person is guilty of a felony of the third degree; providing that arrest for misdemeanor violation may be made upon reasonable belief; providing an effective date.

By Representative Rish—

HB 1645—A bill to be entitled An act relating to the completion of a recreational park for the handicapped located on St. Joseph's Island, Gulf County, Florida; providing for the completion of Phase I construction; providing for Phase II construction; providing an appropriation; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 661, contained in the above message, was read the first time by title and placed on the calendar.

HB 1645, contained in the above message, was read the first time by title and referred to the Committees on Natural Resources and Conservation and Ways and Means.

The Honorable Mallory E. Horne, President May 28, 1973

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

By the Committee on Health & Rehabilitative Services—

HB 1987—A bill to be entitled An act relating to court commitments of persons to the department of health and rehabilitative services; providing that all court commitments of persons to state institutions will be in the form of commitments to the department of health and rehabilitative services, with a designation of the legal justification for the commitment; authorizing the department of health and rehabilitative services to transfer committed persons to any of its divisional facilities which are not of a more intense confinement status than that justified by the reasons for the original commitment and which afford services needed by such individual; authorizing the department to pass regulations pertaining to this act; amending chapter 402, Florida Statutes, so as to add new §402.23, Florida Statutes; providing an effective date.

By the Committee on Natural Resources and Representative Craig and others—

CS for HB 1471—A bill to be entitled An act relating to shrimp fishing regulations; amending §370.153(3)(b), and (4) (a), (b) and (d), Florida Statutes, 1972 Supplement, adding a paragraph to subsection (4) of said section and adding a new subsection to said section; providing a maximum boat length; resetting the area for dead shrimp production; specifying net mesh size for dead shrimp production; specifying the amount of dead shrimp certain persons licensed under said section may possess in regulated waters; regulating the return of fish to the waters of the specified territory; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 1987, contained in the above message, was read the first time by title and placed on the calendar.

CS for HB 1471, 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 Childers, by two-thirds vote HB 1471 was withdrawn from the Committee on Natural Resources and Conservation and placed on the calendar.

The Honorable Mallory E. Horne, President May 29, 1973

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

By Representatives Craig and Williams—

HB 51—A bill to be entitled An act relating to the St. Augustine historical restoration and preservation commission; appropriating funds from the general revenue fund to the St. Augustine historical restoration and preservation commission for the annual cross and sword pageant for fiscal year 1973-1974; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 51, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

The Honorable Mallory E. Horne, President May 28, 1973

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

By Representative Grover Robinson and others—

HB 782—A bill to be entitled An act relating to the university of west Florida; providing for a two-year pilot project to determine whether improved accountability and maximization of the public tax dollar can be better achieved by delegation of certain responsibilities; providing an effective date.

By Representative Sessums (By request)—

HB 1790—A bill to be entitled An Act relating to industrial claims; amending subsection (3) (b) of section 440.25, Florida Statutes, providing for the Judge of Industrial Claims in the county where the injury occurred to move venue; extending the time provided for therein from twenty to thirty days; providing an effective date.

By Representative Hodes—

HB 1836—A bill to be entitled An act relating to the placement of children; providing for participation in and enactment of the Interstate Compact on the Placement of Children; providing definitions; providing conditions of placement between participating states; providing penalty for illegal placement; providing retention of jurisdiction; providing institutional care of delinquent children; providing for a compact administrator; providing for limitations of the compact; providing an effective date.

By Representative Baumgartner and others—

HB 1358—A bill to be entitled An act relating to drug abuse; providing for referral of persons accused or convicted of violations of certain laws regarding drug abuse to drug rehabilitation programs, in lieu of other criminal penalties; providing procedures for referral; providing for records of attendance; providing for refusal of a program to admit a referred person; providing for expulsion of a referred person from a program; providing that successful completion of a program may be full satisfaction of criminal penalties; creating a drug abuse trust fund within the department of health and rehabilitative services to reimburse programs for the expenses of a referred person's participation; providing requirements for participation in the fund; providing for reimbursement schedules; providing an effective date.

By the Committee on Judiciary and Representatives Conway and Nuckolls—

CS for HB's 1683 & 1870—A bill to be entitled An act relating to schools; creating section 232.46, Florida Statutes, protecting privileged communications between students and school guidance counselors, specialists in school psychology, and visiting teachers concerning drug problems, including alcohol problems, of students; providing immunity from disclosure in administrative proceedings; providing an effective date.

By the Committee on Appropriations and Representative Birchfield and others—

CS for HB 1700—A bill to be entitled An act relating to educational television and radio; creating a statewide public broadcast program system; authorizing administration of the system by the department of education pursuant to Part III, Chapter 287, Florida Statutes; providing an effective date.

By the Committee on Appropriations and the Committee on Finance & Taxation and Representative Turlington and others—

CS for CS for HB 1176—A bill to be entitled An act relating to local government; reenacting and amending part II of chapter 218, Florida Statutes, relating to revenue sharing; providing for trust funds; providing for eligibility and distribution; providing for apportionment; providing limitation on funds and for protection of bonds; providing for administration; providing conditions and procedures; amending chapter 218, Florida Statutes, by adding a new part III, relating to local financial management and reporting; providing for financial reporting by all units of local government; providing uniform fiscal years and authority to develop and implement uniform accounting procedures; providing certain budgeting requirements and procedures; providing optional procedures for counties and municipalities in relation to special districts within their bound-

aries; providing procedures, reports and penalties for failure to comply; providing for removal or modification of special act or charter restrictions inconsistent with this act; repealing chapter 128, Florida Statutes, and sections 167.61, 216.111(2) and 145.12, Florida Statutes, relating to municipal and county finances; amending subsections 30.49(4), (5), and (10), 129.01(2)(a) and (b) and 129.03(2)(b)-(f), Florida Statutes; adding section 28.33 and subsection 30.49(11), Florida Statutes, relating to budget appeals; amending chapter 193 and 200, Florida Statutes, by adding new section 193.115 and 200.191, Florida Statutes, respectively, to provide definitions of millages and other information necessary for revenue sharing; providing for repeal; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

House Bills 782, 1790, 1836, 1858, CS for HB's 1683 & 1870, CS for HB 1700 and CS for HB 1176 contained in the above message, were read the first time by title and placed on the calendar.

The Honorable Mallory E. Horne, President May 29, 1973

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

By Representatives Tucker and Webb—

HB 2194—A bill to be entitled An act relating to Leon County amending a certain section of Chapter 59-1502, Laws of Florida, Acts of 1959 relating to the expenditure of county funds for community projects and providing an effective date.

Proof of Publication attached.

By Representatives Tucker and Webb—

HB 2195—A bill to be entitled An act providing for further duties and powers of the municipal hospital board of the City of Tallahassee; authorizing the municipal hospital board to borrow funds to meet current working capital requirements; repealing all laws in conflict; providing an effective date.

Proof of Publication attached.

By Representative Melvin and others—

HB 2197—A bill to be entitled An act granting a charter for the municipal corporation to be known as the City of Destin, Florida; setting forth legislative findings; defining the corporate boundaries; providing for its government, jurisdiction, powers, franchises and privileges; repealing all laws or parts of laws in conflict; providing for a referendum to make the charter effective; providing for initial election of city officers; providing for transfer of the assets, powers, contracts, claims and obligations of the Destin fire control district created under Chapter 71-787, Laws of Florida; repealing Chapter 71-787, Laws of Florida.

By Representatives Hutto and Rish—

HB 2189—A bill to be entitled An act relating to Gulf Mosquito Control District of Bay County; providing for a lump sum payment of \$50 per month for the members of the Board of Commissioners of the district; providing that payments shall not be construed as salary; providing an effective date.

Proof of Publication attached.

By Representatives Tucker and Webb—

HB 2192—A bill to be entitled An act relating to the Lake Jackson basin in Leon County; providing for the establishment of Lake Jackson as an aquatic preserve; defining the powers, duties and responsibilities of the trustees of the internal improvement fund, respecting said preserve and basin; providing restrictions upon the sale and use of lands and waters within the boundaries of the preserve; providing severability; providing an effective date.

Proof of Publication attached.

By Representatives Tucker and Webb—

HB 2193—A bill to be entitled An act relating to Leon County, Florida, amending a certain section of chapter 69-1248, Laws of Florida, Acts of 1969 relating to Leon County and the paving, repaving, grading or draining of county roads and authorizing the use of the procedures therein set forth for the acquisition of rights-of-way, and providing an effective date.

Proof of Publication attached.

By Representative David Clark and others—

HB 1146—A bill to be entitled An act relating to Palm Beach County; authorizing the District School Board to obligate funds from next years budget; repealing all laws in conflict herewith; providing an effective date.

Proof of Publication attached.

By Representatives Mooney and Fechtel—

HB 1914—A bill to be entitled An act relating to Seminole County, municipal annexation; providing conditions for all annexations; providing an effective date.

Proof of Publication attached.

By Representative Fortune and others—

HB 2180—A bill to be entitled An act relating to Escambia County authorizing the Escambia County civil service board to approve the personnel appointments made in initially staffing the clerk's offices of the Escambia County circuit court and the Escambia County court on January 1, 1973; making personnel appointed to positions in the court clerk's offices subject to chapter 67-1370, Laws of Florida; providing an effective date.

Proof of Publication attached.

By Representative Fortune and others—

HB 2181—A bill to be entitled An act relating to Escambia County; providing for the payment of an expense allowance to members of the board of county commissioners and to members of the school board; repealing chapter 61-634, Laws of Florida, which relates to automobile expenses for members of the board of county commissioners; repealing chapter 70-560, Laws of Florida, which relates to payment of travel expenses to members of the school board; providing an effective date.

Proof of Publication attached.

By Representative Fortune and others—

HB 2183—A bill to be entitled An act relating to Escambia County; repealing chapters 57-1004, 67-781, 69-666, 72-444, Laws of Florida, and any other local law or general law of local application relating to budgets, budget systems, budget commissions, or budgeting procedures for Escambia County; providing for all present or future general laws regarding county annual budgets, budget systems, and budgeting procedures, specifically including chapter 129, Florida Statutes, as it now exists or may be subsequently amended, to be applicable to Escambia County; and providing an effective date.

Proof of Publication attached.

By Representatives Turlington and Andrews—

HB 2173—A bill to be entitled An act relating to the City of Gainesville, Alachua County; amending chapter 12760, Laws of Florida, 1927, as amended; specifying new rules with respect to the investment of the City of Gainesville trust funds for retirement and disability pension funds; providing an effective date.

Proof of Publication attached.

By Representative Walker—

HB 2177—A bill to be entitled An act relating to Collier County; excluding certain described lands from the Collier County Water-Sewer District; providing an effective date.

Proof of Publication attached.

By Representative Walker—

HB 2178—A bill to be entitled An act to create, establish and incorporate the Clam Bay Water and Sewer District in Collier County, Florida, defining its boundaries; providing for a governing board and its powers and duties in relation to the establishment, construction, acquisition and operation of water and/or sewer systems, within the district; providing for the financing of such systems by special assessments, water or sewer revenue bonds, general obligation bonds or combination thereof, authorizing ad valorem and charges for water and sewer services; limiting suits against the district; exempting district property from execution; providing for severability of the acts provisions; and providing an effective date.

Proof of Publication attached.

By Representatives Craig and Williams—

HB 327—A bill to be entitled An act relating to St. Johns County, district school board; providing for the destruction of paid bonds and bond interest coupons issued by the board; providing for the record and certification of the receipt, payment, and destruction thereof by the official or paying agent responsible for the payment; providing an effective date.

Proof of Publication attached.

By Representatives Mooney and Fechtel—

HB 1945—A bill to be entitled An act relating to the City of Sanford, Seminole County; amending §2 of chapter 61-2791, Laws of Florida; providing for inclusion of employees engaging in common labor in the civil service system of the city; providing an effective date.

Proof of Publication attached.

By Representatives Harllee and Haben—

HB 2119—A bill to be entitled An act relating to Manatee County; amending §§4, 5 and 6, chapter 69-1287, Laws of Florida, changing the election date for the trustees of Trailer Estates Park and Recreation District, and providing that candidates for the board of trustees shall be qualified electors; amending §15, chapter 69-1287, Laws of Florida, as amended by §3, chapter 72-612, Laws of Florida, adding (i), providing that district funds may be used in the administration and enforcement of deed restrictions in the district; providing an effective date.

By Representative Easley and others—

HB 2136—A bill to be entitled An act relating to Pinellas County; amending section 4, chapter 71-875, Laws of Florida, Acts of 1971, providing monthly payroll deductions for the exclusive representative of teachers in the professional negotiation unit; providing an effective date.

Proof of Publication attached.

By Representatives Hutto and Rish—

HB 2142—A bill to be entitled An act relating to the repeal of the payment of death, disability and pension benefits of the Firemen's Relief and Pension Fund of the City of Panama City, Florida, the same being designated as follows: Special Acts of 1951, Chapter 27-812, Sections 3, 4, 5, 5 (a) and (b), 6, 7, 10 and 12, and the following amendments thereto: Special Acts of 1955, Chapter 31-147, Sections 2 and 3; Special Acts of 1957, Chapter 57-1700, Sections 2 and 4; Special Acts of 1959, Chapter 59-1713, Sections 4, 5, 6, and 7; and Special Acts of 1965, Chapter 65-2070, Section 1, and re-adopting and confirming the provisions of Chapter 175, Florida Statutes, commonly referred to as the Firemen's Pension Trust Fund Act, relating to the payment of death, disability and pension benefits to members of said fund, and their dependents, and all other parts thereof not inconsistent with the existing provisions of the Firemen's Relief and Pension Fund of the City of Panama City, Florida, preserving the existing rights of all pensioners under the former provisions of the Firemen's Relief and Pension Fund and providing for an effective date.

Proof of Publication attached.

By Representative Poorbaugh—

HB 2149—A bill to be entitled An act relating to the City of Stuart, Martin County; amending §6 of chapter 16692, Laws of Florida, 1933, as amended by chapters 61-2898 and 71-925, Laws of Florida, redefining the territorial boundaries of the City of Stuart; ratifying the actions of the City of Stuart; providing an effective date.

Proof of Publication attached.

By Representatives Turlington and Andrews—

HB 2171—A bill to be entitled An act relating to the City of Gainesville, Alachua County; amending §17 of chapter 12760, Laws of Florida, 1927, as amended by chapter 65-1576, Laws of Florida, relating to salaries for members of the city commission; providing an effective date.

Proof of Publication attached.

By Representatives Turlington and Andrews—

HB 2172—A bill to be entitled An act relating to the City of Gainseville, Alachua County; authorizing the designation of redevelopment areas or districts within the city and the procedure for designation thereof; authorizing the development of redevelopment plans and the implementation of such plans; authorizing the acquisition of property by eminent domain in such redevelopment areas or districts; authorizing the disposal of property as prescribed in §163.380, Florida Statutes, when the project is approved by referendum in the affected area; authorizing the levy of additional taxes in special districts so created, as well as the issuance of general obligation bonds for such special districts if approved at an election as required by the Constitution and Statutes of the State of Florida; authorizing the issue of revenue certificates; repealing chapter 72-549, Laws of Florida; providing an effective date.

Proof of Publication attached.

By Representative Fortune and others—

HB 2159—A bill to be entitled An act relating to Santa Rosa County; providing for payment of certain travel expenses within the county to members of the district school board; providing an effective date.

Proof of Publication attached.

By Representatives Turlington and Andrews—

HB 2169—A bill to be entitled An act relating to the City of Gainesville, Alachua County; amending §14B of chapter 12760, Laws of Florida, 1927, as amended, pertaining to the qualifications of city commissioners, officers, and employees of the city, removing exemptions from the application of §839.07, Florida Statutes; providing an effective date.

Proof of Publication attached.

By Representatives Turlington and Andrews—

HB 2170—A bill to be entitled An act relating to the City of Gainesville, Alachua County; amending §5 of chapter 15226, Laws of Florida, 1931, as amended by chapter 65-1571, Laws of Florida; prescribing the area of protest to be considered in making changes in zoning regulations as therein authorized; providing an effective date.

Proof of Publication attached.

By Representative Grosse—

HB 2150—A bill to be entitled An act relating to Nassau County; providing staggered terms for members of the board of commissioners of the Amelia Island Mosquito Control District; providing an effective date.

Proof of Publication attached.

By Representative Grosse—

HB 2151—A bill to be entitled An act relating to the City of Macclenny, Baker County; amending Section 7(1), Art. I, chapter 24670, Laws of Florida, 1947, as amended, to provide

that city commissioners may appoint commissioners to fill unexpired terms; providing for an election if no commissioner is selected; providing an effective date.

Proof of Publication attached.

By Representative Fortune and others—

HB 2158—A bill to be entitled An act relating to Santa Rosa County; authorizing the acquisition, construction, erection, building, enlarging, improving, furnishing and equipping of capital projects of the district school board of Santa Rosa County; authorizing the issuance of certificates of indebtedness by said school board to finance the cost of such projects; authorizing the pledging to the payment of the principal of and interest on such certificates of indebtedness of the racetrack funds and jai alai fronton funds allocated to the school board out of such funds accruing annually to Santa Rosa County pursuant to chapters 550 and 551, Florida Statutes, and other moneys of the school board derived from sources other than ad valorem taxation and legally available for such purposes; providing an effective date.

Proof of Publication attached.

By Representative Danahy and others—

HB 2129—A bill to be entitled An act relating to Hillsborough County, hospital and welfare board; amending §7 of chapter 63-1402, Laws of Florida, as amended; providing that the board at the same time it prepares its annual budget may adopt a resolution determining the amount necessary for renovating, constructing, equipping, repairing and enlarging facilities of the board and requesting additional tax on all taxable property in the county not exceeding three-fourths (3/4) mill per annum for the fiscal year ending September 30, 1974, for such purposes; providing for the duties of the board of county commissioners, county tax assessor and county tax collector in connection therewith, for the levy by the board of county commissioners of ad valorem taxes upon all taxable property in the county; providing an effective date.

Proof of Publication attached.

By Representative Tolton and others—

HB 2133—A bill to be entitled An act relating to Okaloosa County; authorizing the acquisition, construction, furnishing, and equipping of county capital projects by Okaloosa County; authorizing the issuance of revenue bonds by Okaloosa County to finance the cost of such projects, repayable from revenues derived from the operation of such projects or from other funds of Okaloosa County derived from sources other than ad valorem taxation; providing an effective date.

Proof of Publication attached.

By Representatives Mooney and Fechtel—

HB 2134—A bill to be entitled An act relating to Seminole County, maintenance of the Fred R. Wilson Memorial Law Library; providing for imposition of excess service charge for filing a civil action in the county court, to provide and maintain the law library pursuant to the provisions of §34.041, Florida Statutes, said excess service charge to be in addition to those service charges imposed by the provisions of §34.041(1), Florida Statutes; providing for the collection, disbursement, and management of said funds and designating the Fred R. Wilson Memorial Law Library as the library for the county court of Seminole County; providing an effective date.

Proof of Publication attached.

By Representative Wilson and others—

HB 2126—A bill to be entitled An act relating to Pinellas County; creating the Pinellas County Environmental Assessment Study Task Force; providing for the membership of the Task Force; directing the Task Force to make a complete analytical environmental study in Pinellas County; providing for local financing; providing an effective date.

Proof of Publication attached.

By Representative Martinez and others—

HB 2127—A bill to be entitled An act relating to the City of Tampa; fixing the salaries of the offices of the mayor, of

each member of the city council, and of the city clerk; authorizing the mayor and the city council after October 1, 1975, to increase or decrease such salaries; repealing all laws in conflict therewith; providing an effective date.

Proof of Publication attached.

By Representative Martinez and others—

HB 2128—A bill to be entitled An act relating to the City of Tampa; amending § 1, chapter 31305, Laws of Florida, 1955, to increase the expense allowance for the members of the city council; providing an effective date.

Proof of Publication attached.

By Representative Spicola and others—

HB 2198—A bill to be entitled An act relating to the Hillsborough County Environmental Protection Commission; amending chapter 67-1504, as amended by chapters 69-1149, 71-681 and 72-563, Laws of Florida; providing for definitions; providing for designation of a hearing officer to hear appeals from actions or decisions of the director; providing powers and duties of the environmental director; providing for reporting by pollution sources; providing for enforcement and procedure; providing prohibitions; providing injunctive relief; providing for joint and several liability; creating the pollution recovery fund; providing an effective date.

Proof of Publication attached.

By Representatives Randell and Nuckolls—

HB 2199—A bill to be entitled An act relating to the Boca Grande Fire Control District; amending Section 3, Chapter 22372, Laws of Florida, 1943, to allow Board to lease property as deemed necessary for fire control purposes; providing for a referendum.

By Representative Melvin and others—

HB 2202—A bill to be entitled An act relating to Escambia County; amending §§3 and 9 of chapter 67-1373, Laws of Florida, as amended by chapter 71-626, Laws of Florida, and §11(1) of chapter 67-1373, Laws of Florida; reducing and revising the membership of the data processing board, and modifying the agency utilization; establishing a data processing advisory committee; repealing any laws or portions of laws inconsistent; providing an effective date.

Proof of Publication attached.

By Representatives Harlee and Haben—

HB 2185—A bill to be entitled An act relating to Manatee County; amending chapter 71-389, Laws of Florida, providing for a referendum to approve or disapprove the nonpartisan election of school board members; providing an effective date.

By Representative Brown and others—

HB 2187—A bill to be entitled An act relating to Volusia County; amending §5, chapter 70-973, Laws of Florida; prohibiting the use of gill nets in the salt waters of Volusia county north of the twenty-ninth parallel; prohibiting the use of gill nets of certain specifications south of the said parallel; providing an effective date.

Proof of Publication attached.

By Representative Clem—

HB 790—A bill to be entitled An act to amend Chapter 24600, Laws of Florida, acts of 1947, entitled an act to abolish the special taxing district in Indian River County, Florida. Known and designated as Indian River Mosquito Control District and as created and incorporated by Chapter 11128 of the Laws of Florida, acts of 1925 legislature and acts amendatory thereof; as amended by Chapter 61-2278, to create, establish and incorporate a new special taxing district in Indian River County, Florida to be known and designated as Indian River Mosquito Control District, etc; by amending Section 11-A concerning life insurance for the employees of said district, and

by adding a provision authorizing the board of commissioners of said district to invest the funds of said district in interest bearing depositories within the State of Florida; and providing that said act shall take effect immediately upon its becoming law.

Proof of Publication attached.

By the Committee on Community Affairs and Representative A.S. Robinson and others—

CS for HB 2116—A bill to be entitled An act relating to Pinellas County; establishing the board of consumer affairs and appeals; providing for procedures and records; providing powers and jurisdiction; establishing the office of director of the board; providing powers and duties of the director; providing investigation procedures; providing funding; providing for and defining fraudulent trade practices; providing definitions; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

Evidence of notice and publication was established by the Senate as to House Bills 2194, 2195, 2189, 2192, 2193, 1146, 1914, 2180, 2181, 2183, 2173, 2177, 2178, 327, 1945, 2136, 2142, 2149, 2171, 2172, 2159, 2169, 2170, 2150, 2151, 2158, 2129, 2133, 2134, 2126, 2127, 2128, 2198, 2202, 2187, 790 and CS for HB 2116, contained in the above messages, which were read the first time by title and referred to the Committee on Rules and Calendar.

House Bills 2197, 2119, 2199 and 2185, contained in the above messages, were read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Mallory E. Horne, President May 28, 1973

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

By Senator Gruber—

SB 989—A bill to be entitled An act relating to saltwater crawfish traps; amending section 370.14, Florida Statutes, by adding a new subsection (7) to provide for the use of crawfish trap submergence devices; providing an effective date.

Amendment 1

On page 1, line 20 & 21, strike town of Tavernier, Florida, and insert:

west end of the landmark known as the Seven Mile Bridge in the Florida Keys, Florida,

Amendment 2

On page 1, line 24, strike Tavernier. and insert:

the west end of the landmark known as the Seven Mile Bridge in the Florida Keys, Florida.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motions by Senator Gruber, the Senate concurred in House amendments 1 and 2 to SB 989.

SB 989 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—28

Brantley	Gordon	Lewis	Stolzenburg
Childers	Graham	Myers	Sykes
de la Parte	Gruber	Plante	Vogt
Firestone	Henderson	Poston	Ware
Gallen	Johnson	Sayler	Wilson
Gillespie	Johnston	Sims	Winn
Glisson	Lane (31st)	Smathers	Zinkil

Nays—None

By unanimous consent Senator Peterson was recorded as voting yea.

On motion by Senator Glisson, unanimous consent was obtained to take up out of order—

HCR 1822—A concurrent resolution in memory of Representative James N. "Gator" Beck.

WHEREAS, the past year saw the loss to the people of his community and to the entire state of Representative James N. "Gator" Beck - a most valuable man - whose public service and devotion to the betterment of his fellow man had marked his entire life span, and

WHEREAS, Representative Beck was a native son of this state and was born in the town of Pinecastle on November 4, 1923, and

WHEREAS, Representative Beck received his education in the public schools of Florida and the University of Florida, and

WHEREAS, Representative Beck was the devoted husband of Nellie Law Beck and the father of Jan Beck Roper, and

WHEREAS, Representative Beck was an active businessman and teacher, and

WHEREAS, Representative Beck mirrored the philosophy of his constituents, ably representing the counties of Alachua, Gilchrist, and Putnam from 1954 through 1967, and

WHEREAS, Representative Beck served with distinction on numerous legislative committees throughout his long tenure in the House of Representatives and was elected Speaker Pro Tempore for the 1959 Session and was chairman and an active member on the Game and Fresh Water Fish Committee, the Committee on Education - Higher Learning, the Committee on Temperance, the Committee on Insurance, the Committee on Public Lands and Parks, and the Committee on Public Roads and Highways, and

WHEREAS, Representative Beck deeply cherished the ideals embodied in the American form of democratic government and was a life-long member of the Democratic Party, and

WHEREAS, Representative Beck's demise is marked by a sense of deep loss and sadness, and

WHEREAS, Representative Beck's life work was such that an account thereof would be an inspiration to all who would reflect thereon, and

WHEREAS, we acknowledge the legacy of Representative Beck's splendid achievements, honor his memory and express our condolences, NOW, THEREFORE,

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

That this concurrent resolution be spread upon the pages of the Journals of the House of Representatives and the Senate of the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the Constitutional officers of the House of Representatives and the Senate, be certified by the Secretary of State under the Great Seal of the State, to Mrs. Beck as a symbol of the sympathy expressed to her by each member of the Legislature.

On motions by Senator Glisson, HCR 1822 was read the second time in full, adopted and certified to the House. The vote was:

Yeas—28

Brantley	Gordon	Lane (23rd)	Smathers
Childers	Graham	Lewis	Sykes
de la Parte	Gruber	Peterson	Vogt
Firestone	Henderson	Plante	Ware
Gallen	Johnson	Poston	Wilson
Gillespie	Johnston	Sayler	Winn
Glisson	Lane (31st)	Sims	Zinkil

Nays—None

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

The Honorable Mallory E. Horne, President May 29, 1973

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

By Senator Gillespie—

SB 1347—A bill to be entitled An act relating to Volusia County; amending §1 of chapter 71-958, Laws of Florida; requiring the clerk of the circuit court of Volusia County to deposit any moneys paid into the registry of the court in certain depositories in the county; providing that the deposit of said moneys shall be open to bid to certain banks in Volusia County; providing an effective date.

Proof of Publication attached.

Which amendment reads as follows:

On page 2, line 3, strike "Section 2." and insert:

Section 2. This act shall not take precedence over any general law mandating the disposition of court registry funds.

Section 3. This act shall take effect upon becoming a law.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motion by Senator Gillespie, the Senate concurred in the House amendment to SB 1347.

SB 1347 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—30

Barron	Gordon	Myers	Sykes
Brantley	Graham	Peterson	Vogt
Childers	Gruber	Plante	Ware
de la Parte	Henderson	Poston	Wilson
Firestone	Johnson	Sayler	Winn
Gallen	Johnston	Sims	Zinkil
Gillespie	Lane (31st)	Smathers	
Glisson	Lewis	Stolzenburg	

Nays—1

Williams

The Honorable Mallory E. Horne, President May 29, 1973

I am directed to inform the Senate that the House of Representatives has returned as requested—

By Representative Walker—

HB 1932—A bill to be entitled An act relating to Collier County, district school board; authorizing the board to provide certain group insurance plans; providing an effective date.

By Representative Walker —

HB 1933—A bill to be entitled An act relating to Collier County, school transportation; providing that the district school board of Collier County may receive fees for transportation of certain pupils; reserving certain rights to the board; providing for publication of notice; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

Senator Stolzenburg moved that the Senate reconsider the vote by which HB 1932, contained in the above message, passed on May 25. The motion was adopted and the Senate reconsidered. The bill was placed on the local calendar.

Senator Stolzenburg moved that the Senate reconsider the vote by which HB 1933, contained in the above message, passed on May 25. The motion was adopted and the Senate reconsidered. The bill was placed on the local calendar.

The Honorable Mallory E. Horne, President May 29, 1973

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

By Representative Ogden—

HB 178—A bill to be entitled An act relating to occupational license taxes imposed by counties and municipalities under the authority of chapter 205, Florida Statutes; repealing section 4 of chapter 72-306, Laws of Florida; to abolish the expiration date; providing an effective date.

Senate amendment—

On page 1, strike all of line 16 and insert: a law.

House amendment to Senate amendment—

On the last line strike the period and insert: and shall expire October 1, 1974.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motion by Senator Ware, the Senate refused to concur in the House amendment to the Senate amendment to HB 178, and the House was requested to recede therefrom. The action of the Senate was certified to the House.

The Honorable Mallory E. Horne, President May 29, 1973

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

By Representative Andrews and others—

HB 1345—A bill to be entitled An act relating to the Savings Association Act, amending Chapter 665, Florida Statutes, by adding Sections 665.701 through 665.717, Florida Statutes, authorizing the incorporation of savings and loan associations which have the power to issue capital stock; authorizing existing mutual associations to convert to capital stock associations; requiring a plan of conversion and providing guidelines for the department to follow in approving or disapproving the plan; providing for a hearing on the plan of conversion; requiring prior approval of department before acquiring control over a capital stock association; imposing restrictions on the acquisition of ownership or control of capital stock associations; providing for inconsistent provisions of this chapter; amending Section 665.021 (6) and (13), Florida Statutes, and adding subsection (25) to said section, adding new definitions and amending existing definitions; amending section 665.031 (5), Florida Statutes, relating to decision by department; amending Section 665.041(1), Florida Statutes, to refer to Section 665.701, Florida Statutes, which empowers a savings and loan association to issue capital stock; amending section 665.331, Florida Statutes, relating to earnings; providing permissible characteristics of capital stock; providing for stockholders meetings; providing for directors and specifying their qualifications; providing for minimum capital of new and converted capital stock associations; empowering capital stock associations to accept savings deposits; imposing limitations on dividends; reserving Sections 665.718 through 665.799 for future capital stock savings and loan association legislation; providing effective dates.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 1345, contained in the above message, was read the first time by title and placed on the calendar.

On motion by Senator Brantley, unanimous consent was obtained to take up HB 1345 out of order.

On motions by Senator Brantley, by two-thirds vote HB 1345 was read the second time by title and by two-thirds vote the third time by title, passed and certified to the House. The vote was:

Yeas—28

Brantley	Gordon	Lane (23rd)	Stolzenburg
Childers	Graham	Myers	Sykes
Deeb	Gruber	Peterson	Vogt
de la Parte	Henderson	Plante	Ware
Firestone	Johnson	Poston	Wilson
Gallen	Johnston	Sims	Winn
Gillespie	Lane (31st)	Smathers	Zinkil

Nays—3

Lewis Saylor Williams

By unanimous consent Senator Glisson was recorded as voting yea.

On motion by Senator Brantley SB 945 was recalled from engrossing.

On motion by Senator Brantley, the Senate reconsidered the vote by which SB 945 as amended, passed on May 29. By permission, Senator Brantley withdrew SB 945 from the Senate.

The Honorable Mallory E. Horne, President May 29, 1973

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

By Senator Childers—

SB 684—A bill to be entitled An act relating to abandoned and derelict vessels; giving the department of natural resources, division of marine resources, authority to remove or cause to be removed from the public waters of this state; providing a penalty; providing an effective date.

Which amendment reads as follows:

On page 2, lines 3 & 4, strike all of lines 3 & 4 and insert: Section 4. This act shall take effect July 1, 1974.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motion by Senator Childers, the Senate concurred in the House amendment to SB 684.

SB 684 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—33

Barron	Gordon	Myers	Ware
Brantley	Graham	Peterson	Weber
Childers	Gruber	Plante	Williams
Deeb	Henderson	Poston	Wilson
de la Parte	Johnson	Sims	Winn
Firestone	Johnston	Smathers	Zinkil
Gallen	Lane (31st)	Stolzenburg	
Gillespie	Lane (23rd)	Sykes	
Glisson	Lewis	Vogt	

Nays—None

The Honorable Mallory E. Horne, President May 29, 1973

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

By Senators Poston and Pettigrew—

SB 422—A bill to be entitled An act relating to Monroe County; repealing chapters 65-1923 and 69-1313, Laws of Flor-

ida, to remove local provisions relating to tax assessment in the City of Key West and in Monroe County which conflict with the method of payment for tax assessors and the provisions relating to tax assessment and collection found in the general law; providing an effective date.

Which amendment reads as follows:

On page 1, line 22, strike "July 1, 1973." and insert: January 1, 1974.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motion by Senator Poston, the Senate concurred in the House amendment to SB 422.

SB 422 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—33

Barron	Gordon	Myers	Ware
Brantley	Graham	Peterson	Weber
Childers	Gruber	Plante	Williams
Deeb	Henderson	Poston	Wilson
de la Parte	Johnson	Sims	Winn
Firestone	Johnston	Smathers	Zinkil
Gallen	Lane (31st)	Stolzenburg	
Gillespie	Lane (23rd)	Sykes	
Glisson	Lewis	Vogt	

Nays—None

The Honorable Mallory E. Horne, President May 29, 1973

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

By Senators Horne and Trask—

SB 49—A bill to be entitled An act relating to minimum requirements for proof of financial responsibility; amending subsection (7) of section 324.021, as amended by chapter 72-297, Laws of Florida, decreasing the required limits for proof of financial responsibility; amending section 627.727(2) Florida Statutes, providing that uninsured vehicle coverage shall also be underinsured vehicle coverage; providing two effective dates.

Amendment 1—On page 1, line 18, strike everything after the enacting clause and insert:

Section 1. Chapter 72-297, Laws of Florida, is repealed.

Section 2. Subsection (7) of section 324.021, Florida Statutes, 1971, is amended to read:

324.021 Definitions; minimum insurance required.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meaning respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning.

(7) PROOF OF FINANCIAL RESPONSIBILITY.—That proof of ability to respond in damages for liability, on account of accidents arising out of the use of a motor vehicle, in the amount of ~~ten~~ fifteen thousand dollars because of bodily injury to or death of one person in any one accident and subject to said limits for one person, in the amount of ~~twenty~~ thirty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of five thousand dollars because of injury to or destruction of property of others in any one accident.

Section 3. Subsection (1) of section 627.727, Florida Statutes, 1971, is amended to read:

627.727 Automobile liability insurance; uninsured vehicle coverage; insolvent insurer protection.—

(1) No automobile liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle shall be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or

supplemental thereto, in not less than the limits described in section 324.021(7), and in an amount up to 100 per cent of the liability insurance purchased by the named insured for bodily injury, however, the named insured may select such lower limits as complies with the company's rating plan, under provisions filed with and approved by the department, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness or disease, including death, resulting therefrom; provided, however, that the coverage required under this section shall not be applicable when, or to the extent that, any insured named in the policy shall reject the coverage; and provided further, that when a vehicle is leased for a period of one year or longer and the lessor of such vehicle by the terms of the lease contract provides liability coverage on the leased vehicle in a policy wherein the lessee is a named insured or on a certificate of a master policy issued to the lessor, the lessee of such vehicle shall have the sole privilege to reject uninsured motorist's coverage. Unless the named insured, or lessee having the privilege of rejecting uninsured motorist's coverage, requests such coverage in writing, the coverage need not be provided in or supplemental to a renewal policy where the named insured had rejected the coverage in connection with a policy previously issued to him by the same insurer. The coverage provided under this section shall be excess over but shall not duplicate the benefits available to an insured under any workmen's compensation law, disability benefits law, or any similar law; under any automobile liability or automobile medical expense coverages; or from the owner or operator of the uninsured motor vehicle or any other person or organization jointly or severally liable together with such owner or operator for the accident. Such coverage shall not inure directly or indirectly to the benefit of any workmen's compensation or disability benefits carrier or any person or organization qualifying as a self-insurer under any workmen's compensation or disability benefits law or any similar law.

Section 4. Subsection (2) of section 627.727, Florida Statutes, 1971, is amended to read:

(Substantial rewording of section. See section 627.727 for present text.)

627.727 Automobile liability insurance; uninsured vehicle coverage; insolvent insurer protection.—

(2) For the purpose of this coverage the term "uninsured motor vehicle" shall, subject to the terms and conditions of such coverage, be deemed to include an insured motor vehicle where the liability insurer thereof:

(a) Is unable to make payment with respect to the legal liability of its insured within the limits specified therein because of insolvency; or

(b) Has provided limits of bodily injury liability for its insured which are less than the limits applicable to the injured person provided under his uninsured motorist's coverage.

Section 5 Section 1 of this act shall take effect June 30, 1973, and shall take effect retroactively to that date if this act becomes law after that date; section 2 of this act shall take effect January 1, 1975; sections 3 and 4 of this act shall take effect October 1, 1973, and shall be applicable to policies delivered, issued for delivery or renewed in this state with an inception date on or after October 1, 1973.

Amendment 3—On page 1, strike line 6 and remainder of the title and insert:

repealing chapter 72-297, Laws of Florida, which increased required bodily injury liability limits for proof of financial responsibility to \$25,000; amending subsection (7) of section 324.021, Florida Statutes, 1971, increasing required limits for proof of financial responsibility; amending subsection (1) of section 627.727, Florida Statutes, 1971; providing that uninsured vehicle coverage shall be not less than limits of liability insurance unless insured selects lower limits of uninsured vehicle coverage; amending subsection (2) of section 627.727, Florida Statutes, 1971, providing that uninsured vehicle coverage shall also be underinsured vehicle coverage; providing three effective dates.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motion by Senator Barron the following amendment to House amendment 1 was adopted:

Amendment 1a—In Section 5, line 3, of House Amendment #1 strike "January 1, 1975" and insert: July 1, 1975

On motions by Senator Barron, the Senate concurred in House amendment 1 as amended and amendment 3 to SB 49.

SB 49 passed as further amended and the action of the Senate was certified to the House. The vote was:

Yeas—30

Barron	Gordon	Lewis	Sykes
Brantley	Graham	Myers	Trask
Childers	Gruber	Peterson	Vogt
Deeb	Henderson	Plante	Ware
de la Parte	Johnson	Poston	Wilson
Firestone	Johnston	Sayler	Winn
Gallen	Lane (31st)	Smathers	
Glisson	Lane (23rd)	Stolzenburg	

Nays—3

Gillespie	Weber	Zinkil
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The Honorable Mallory E. Horne, President May 29, 1973

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

By Senator Gruber—

SB 949—A bill to be entitled An act relating to lower Florida keys hospital district, Monroe County; providing for liens in favor of operators of hospitals in the district, upon causes of action, suits, claims, counterclaims, and demands accruing to patients therein, or their legal representatives, and upon judgments, settlements, and settlement agreements, on account of illness or injuries of such patients, for all reasonable charges for hospital care, treatment, and maintenance necessitated by such illness or injuries; providing for method of perfecting and enforcing such liens, and recovery of costs, attorney's fees, and expenses, and where suits thereon may be maintained; providing for no recovery of damages for hospital care, treatment, and maintenance, unless claimant therefor has paid costs thereof except in certain cases; providing for intervention by lienholder and verdict and judgment in favor of lienholder in certain cases; requiring claims for lien to be recorded and fees for recording; providing that no release or satisfaction shall be valid as against lien unless lienholder joins therein or executes release; providing that acceptance of release or satisfaction of any cause of action, suit, claim, counterclaim, demand, or judgment and any settlement in absence of release or satisfaction of lien shall prima facie constitute impairment of such lien, and giving lienholder right of action at law for damages on account of such impairment, and providing for recovery from one accepting release or satisfaction or making settlement; exempting from provisions of this act matters within purview of the workmen's compensation law of this state; authorizing and empowering the board of commissioners of the district to establish an employees' pension, annuity and retirement plan for officers and employees employed by the districts and qualifying therefor, and to pay the cost, or any portion thereof, from funds available to the districts from their authorized sources; providing for judicial review of decisions by the board of commissioners of the district to refuse, revoke, or suspend membership on the staff, or privileges attendant thereto; providing for jurisdiction thereof by the district court of appeal, or the supreme court of Florida, as provided by the Florida appellate rules; amending §2, chapter 67-1724, Laws of Florida, as amended by §1, chapter 69-1322, Laws of Florida, to provide residency requirements for the board of commissioners of the district; providing an effective date.

Amendment 1

On page 2, lines 22 thru 30, strike after semi-colon (;) "providing for judicial review of decisions by the board of commissioners of the district to refuse, revoke, or suspend membership on the staff, or privileges attendant thereto; providing for jurisdiction thereof by the district court of appeal, or the supreme court of Florida, as provided by the Florida appellate rules;"

Amendment 2—On page 7, lines 27 through 29, and page 8, lines 1 thru 12, strike “All of Section 8 and renumber subsequent sections”

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motions by Senator Gruber, the Senate concurred in House amendments 1 and 2 to SB 949.

SB 949 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—32

Barron	Gordon	Lewis	Sykes
Brantley	Graham	Myers	Trask
Childers	Gruber	Peterson	Vogt
de la Parte	Henderson	Plante	Ware
Firestone	Johnson	Poston	Weber
Gallen	Johnston	Saylor	Wilson
Gillespie	Lane (31st)	Smathers	Winn
Glisson	Lane (23rd)	Stolzenburg	Zinkil

Nays—None

Senator Barron presiding.

On motion by Senator de la Parte, CS for HB 466 was withdrawn from the Committee on Judiciary by two-thirds vote and placed on the calendar.

SPECIAL ORDER

SB 296 and the committee substitute for SB 296 were taken up and on motion by Senator de la Parte—

CS for HB 466—A bill to be entitled An act relating to elections; regulating campaign finances; providing definitions; requiring designations of campaign treasurers and depositories; regulating certain political committees; establishing certification of committees of continuous existence and requiring certain reports of such committees; providing for reports and records by candidates and committees; providing limitations and restrictions on contributions and expenditures; establishing procedures for certain expenditures; providing civil and criminal penalties for violations; providing powers and duties of the division of elections of the department of state; creating a state elections commission and providing for its membership, powers, duties, and procedures; providing for hearings by such commission; providing powers and duties of the attorney general; providing limitations on certain actions; requiring reports by political parties; repealing §99.161, F.S., relating to the regulation of campaign finances; repealing §99.183, F.S., relating to the preservation of certain records; repealing §104.27, F.S., relating to violations of certain statutes; providing an effective date.

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

Senators de la Parte, Plante and Ware offered the following amendments which were adopted on motions by Senator de la Parte:

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

Section 1. Definitions.—As used in this act, the following terms shall have the following meanings unless the context clearly indicates otherwise:

(1) **CANDIDATE**.—The term “candidate” means:

(a) Any person who has filed his qualification papers and subscribed to the candidate oath as required by section 99.021, Florida Statutes; or

(b) Any person who has received contributions or made expenditures, has appointed a campaign treasurer, designated a campaign depository pursuant to this act, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination or election to public office.

(2) **POLITICAL COMMITTEE**.—The term “political committee” means a combination of two (2) or more individuals,

or a person other than an individual, the primary or incidental purpose of which is to support or oppose any candidate, issue, or political party or principle and which accepts contributions or makes expenditures during a calendar year in an aggregate amount in excess of five hundred dollars (§500). Organizations which are determined by the secretary of state to be committees of continuing existence pursuant to section 4 of this act and political parties regulated by chapter 103, Florida Statutes, shall not be considered political committees for the purposes of this act. Corporations regulated by chapters 608 or 613, Florida Statutes, are not political committees if their political activities are limited to contributions to candidates or political committees from corporate funds and if no contributions are received by such corporations.

(3) **CONTRIBUTION**.—The term “contribution” means:

(a) A gift, subscription, conveyance, deposit, payment, or distribution of money or anything of value, including contributions in kind having an attributable monetary value in any form consisting of the use or services of any type of communications media, rendered in support of or in opposition to any candidate, political committee, or issue;

(b) A transfer of funds between political committees;

(c) The payment by any person other than a candidate or political committee of compensation for the personal services of another person which are rendered to a candidate or political committee without charge to the candidate or committee for such services.

(d) Notwithstanding the foregoing meanings of “contribution”, the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee.

(4) **EXPENDITURE**.—The term “expenditure” means a purchase, payment, distribution, loan, advance, or gift of money or anything of value made for the purpose of influencing the results of an election.

(5) **ELECTION**.—The term “election” means any primary election, special primary election, general election, special general election, or municipal election held in this state for the purpose of nominating or electing candidates to public office, for choosing delegates to the national nominating conventions of political parties, or for the purpose of submitting an issue to the electors for their approval or rejection pursuant to the state constitution, the Florida Statutes or other general law, special act of the legislature, or charter of any political subdivision of this state.

(6) **ISSUE**.—The term “issue” means any proposition which is required by the state constitution, the Florida Statutes or other general law, special act of the legislature, or charter of any political subdivision of this state, to be submitted to the electors for their approval or rejection at an election.

(7) **PERSON**.—The term “person” means an individual or a corporation, association, firm, partnership, joint stock company, club, organization, or other combination of individuals having collective capacity.

(8) **CAMPAIGN TREASURER**.—The term “campaign treasurer” means an individual appointed by a candidate or political committee as provided in this act.

(9) **PUBLIC OFFICE**.—The term “public office” means any national, state, county, municipal, school or other district, precinct, or political party office or position that is filled by the voters.

(10) **DIVISION**.—The term “division” means the division of elections of the department of state.

(11) **COMMUNICATIONS MEDIA**.—The term “communications media” means broadcasting stations, newspapers, magazines, outdoor advertising facilities, printers, direct mailing companies, advertising agencies, and telephone companies; but with respect to telephones, an expenditure shall be deemed to be an expenditure for the use of communications media only if made for the costs of telephones, paid telephonists, and automatic telephone equipment to be used by a candidate or a political committee to communicate with potential voters and excluding any costs of telephones incurred by a volunteer for use of telephones by him.

Section 2. Campaign treasurers; depositories.—(1) (a) Each candidate for nomination or election to office and each political committee shall appoint a campaign treasurer. Candidates for offices voted upon on a statewide basis may appoint not more than fifteen (15) deputy campaign treasurers, and all other candidates and all political committees may appoint not more than three (3) deputy campaign treasurers. The names and addresses of all campaign treasurers and deputy campaign treasurers so appointed shall be filed with the officer before whom such candidate qualifies or with whom a political committee is required to file reports pursuant to section 6 of this act.

(b) Each candidate and each political committee shall also designate one (1) primary campaign depository for the purpose of depositing all contributions received and disbursing all expenditures made by the candidate or political committee. The candidate or political committee may also designate one (1) secondary depository in each county in which an election is held in which the candidate or committee participates. Secondary depositories shall be for the sole purpose of depositing contributions and forwarding the deposits to the primary campaign depository. Any bank authorized to transact business in this state may be designated as a campaign depository. The candidate or political committee shall file the name and address of each primary and secondary depository so designated at the same time and with the same officer with whom the candidate or committee files the name of his or its campaign treasurer pursuant to paragraph (a).

(c) Any campaign treasurer or deputy treasurer appointed pursuant to this section shall be a registered voter in this state. An individual may be appointed and serve as campaign treasurer of a candidate and a political committee or two (2) or more candidates and political committees. A candidate may appoint himself as his own campaign treasurer.

(2) A candidate or political committee may remove his or its campaign treasurer or any deputy treasurer. In case of the death, resignation, or removal of his or its campaign treasurer before compliance with all obligations of a campaign treasurer under this act, the candidate or political committee shall appoint a successor and certify the name and address of the successor in the manner provided in the case of an original appointment.

(3) No contribution shall be received or expenditure made by or on behalf of a candidate or political committee until the candidate or political committee appoints a campaign treasurer and certifies the name and address of the campaign treasurer pursuant to this section. Each candidate shall appoint his campaign treasurer and file the name of such treasurer not later than the day the candidate qualifies for office.

(4) No contribution or expenditure, including contributions or expenditures of a candidate himself or of his family, shall be directly or indirectly made or received, in furtherance of the candidacy of any person for nomination or election to political office in the state or on behalf of any political committee except through the duly appointed campaign treasurer of the candidate or political committee. Provided, expenditures may be made directly by any political committee for obtaining time, space, or services in or by any communications media for the purpose of jointly endorsing four (4) or more candidates and any such expenditure shall not be considered a contribution or an expenditure to or on behalf of any such candidates for the purposes of this act.

(5) Deputy campaign treasurers may exercise any of the powers and duties of a campaign treasurer as set forth in the act when specifically authorized to do so by the campaign treasurer and the candidate in the case of a candidate, or the campaign treasurer and chairman of the political committee in the case of a political committee. Provided, the campaign treasurer and candidate or the campaign treasurer and committee chairman are deemed directly responsible for the acts or omissions of any deputy treasurer appointed pursuant to this section.

Section 3. Registration of political committees.—

(1) Each political committee which anticipates receiving contributions or making expenditures during a calendar year in an aggregate amount exceeding five hundred dollars (\$500) shall file a statement of organization with the division of elections within ten (10) days after its organization or, if later, within ten (10) days after the date on which it has information which causes the committee to anticipate that it will

receive contributions or make expenditures in excess of five hundred dollars (\$500). Each such committee in existence on the effective date of this act shall file a statement of organization with the division of elections at such time as the division prescribes, but no later than ninety (90) days after such effective date. Provided, committees required by the Federal Campaign Communications Act of 1971 (Public Law 92-225) to file statements of organization with federal officials may file a duplicate copy of such statement in lieu of the statement required by this section.

(2) The statement of organization shall include:

- (a) The name and address of the committee;
- (b) The names, addresses, and relationships of affiliated or connected organizations;
- (c) The area, scope, or jurisdiction of the committee;
- (d) The name, address, and position of the custodian of books and accounts;
- (e) The name, address, and position of other principal officers, including officers and members of the finance committee, if any;
- (f) The name, address, office sought, and party affiliation of:
 1. Each candidate whom the committee is supporting;
 2. Any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever;
- (g) Any issue or issues such organization is supporting or opposing;
- (h) If the committee is supporting the entire ticket of any party, the name of the party;
- (i) A statement of whether the committee is a continuing one;
- (j) Plans for the disposition of residual funds which will be made in the event of dissolution;
- (k) A listing of all banks, safety deposit boxes, or other depositories used for committee funds; and
- (l) A statement of the reports required to be filed by the committee with federal officials, if any, and the names, addresses, and positions of such officials.

(3) Any change in information previously submitted in a statement of organization shall be reported to the division of elections within ten (10) days following the change.

(4) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding five hundred dollars (\$500) shall so notify the division of elections.

Section 4. Committees of continuous existence.—

(1) In order to qualify as a committee of continuous existence for the purposes of this act, a group, organization association, or other such entity which is involved in making contributions to candidates must meet the following criteria:

(a) It shall have been in continuous existence for a period of at least two (2) years prior to filing an application with the division of elections pursuant to subsection (2);

(b) It must be organized and operated in accordance with a written charter or set of by-laws which contains procedures for the election of officers and directors and which clearly defines membership in the organization; and

(c) At least seventy-five percent (75%) of the income of such organization must be derived from dues payable on a regular basis by its membership and provisions for which are contained in the charter or by-laws.

(2) Any group, organization, association, or other entity may seek certification from the secretary of state as a committee of continuing existence by filing an application with the division of elections on a form provided by the division. Such application shall provide the information required of political committees by subsection (2) of section 3 of this act.

Each application shall be accompanied by a membership list containing the names and street addresses of every person who is a member of the applying entity as of the date of the application, a copy of the charter or by-laws of the organization, and a complete financial statement summarizing all income received and all expenditures incurred by the organization during the twenty-four (24) months preceding the date of application.

(3) The division of elections shall forward each application and the accompanying materials to the secretary of state. If the secretary of state finds that an applying organization meets the criteria for a committee of continuing existence as provided by subsection (1), he shall certify such finding to the division of elections and shall notify the applying organization of such certification. If he finds that an applying organization does not meet the criteria for certification, he shall notify the organization of such findings and shall state the reasons that, in his opinion, such criteria is not met.

(4) Each committee of continuous existence shall file an annual report with the division of elections between June 15 and July 30 of each year. Such annual reports shall contain the same information and shall be accompanied by the same materials as original applications filed pursuant to subsection (2). In addition to such annual report, each committee shall file regular reports with the division of elections at the same times that reports are required of candidates by subsection (1) of section 7 of this act. A duplicate copy of each report shall be filed with the clerk of the circuit court in the county in which the committee maintains its books and records. Reports shall be on a form provided by the division and shall contain the following information:

(a) The full name, residence, mailing address, and occupation of each person who has made one or more contributions to the committee during the reporting period together with the amount and date of such contributions;

(b) The name and address of each political committee or committee of continuing existence from which the reporting committee received, or to which it made, any transfer of funds, together with the amounts and dates of all transfers;

(c) Any other receipt of funds not listed in paragraphs (a) or (b), including the sources and amounts of all such funds;

(d) The name, address, and office sought by each candidate to whom the committee has made a contribution during the reporting period, together with the amount and date of each contribution. The treasurer of each committee shall certify as to the correctness of each report and shall bear the responsibility for its accuracy and veracity. Any treasurer who willfully certifies to the correctness of a report while knowing that such report is incorrect, false, or incomplete shall be guilty of a felony of the third degree and punished as provided in sections 775.082, 775.083, or 775.084, Florida Statutes.

(5) No committee of continuing existence shall contribute to any candidate or to any political committee in excess of the limits contained in subsection (1) of section 8 of this act, or shall participate in any other activity which is prohibited by this act. If violations do occur, they shall be punishable as provided herein for the given offense. No funds of a committee of continuing existence shall be expended on behalf of a candidate except by means of a contribution made through the duly appointed campaign treasurer of a candidate. No such committee shall make expenditures in support of or in opposition to an issue unless such committee first registers as a political committee pursuant to this act and undertakes all the practices and procedures required thereof.

(6) All accounts and records of a committee of continuous existence may be inspected under reasonable circumstances by any authorized representative of the division of elections or the state elections commission. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.

(7) If a committee of continuing existence ceases to meet the criteria prescribed by subsection (1), the secretary of state shall revoke its certification until such time as the criteria is again met.

Section 5. Deposit of contributions; statement of campaign treasurer.—All funds received by the campaign treasurer of any candidate or political committee shall, prior to the end of the second business day following the receipt thereof (Sundays

and holidays excluded), be deposited in a campaign depository designated pursuant to section 2 in an account designated "Campaign Fund of (name of candidate or committee)". A detailed statement showing the names, residences, and mailing addresses of the persons contributing or providing funds so deposited together with a statement of the amount received from or provided by each person shall accompany all deposits so made by the campaign treasurer. Cash contributions shall also be accompanied by the receipt form required by section 9 of this act. Such statement shall be in triplicate upon a form prescribed by the division of elections, one (1) copy to be retained by the campaign depository for its records, one (1) copy to be filed by the depository as set forth in section 7 of this act, if applicable, and one (1) copy to be retained by the campaign treasurer for his records. Statements shall be certified as correct by the campaign treasurer. If contributions are deposited in a secondary campaign depository, the depository shall forward the full amount of the deposit along with a copy of the statement accompanying the deposits to the primary campaign depository prior to the end of the first business day following the deposit.

Section 6. Treasurer to keep records; inspections.—

(1) The campaign treasurer of each candidate and each political committee shall keep detailed accounts, current within not more than two (2) days after the date of receiving a contribution or making an expenditure, of all contributions received and all expenditures made by or on behalf of the candidate or political committee that are required to be set forth in a statement filed under this act.

(2) Accounts kept by the campaign treasurer of a candidate or political committee may be inspected under reasonable circumstances before, during, or after the election to which the accounts refer by any authorized representative of the division of elections or the state elections commission. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction. The campaign treasurers of political committees supporting a candidate may be joined with the campaign treasurer of the candidate as respondents in such a proceeding.

(3) Accounts kept by a campaign treasurer of a candidate shall be preserved by the campaign treasurer for a number of years equal to the term of office of the office to which the candidate seeks election. Accounts kept by a campaign treasurer of a political committee shall be preserved by such treasurer for at least two (2) years after the date of the election to which the accounts refer or at least one (1) year after the date the last supplemental statement is filed under section 7 of this act, whichever is later.

Section 7. Reports; certification and filing.—

(1) Each campaign treasurer designated by a candidate or political committee pursuant to section 2 of this act shall file regular reports of all contributions received and all expenditures made by or on behalf of such candidate or political committee. Reports shall be filed on the first Monday of each calendar quarter from the time the campaign treasurer is appointed until the fortieth day preceding an election in which the candidate seeks nomination or election to office or in which the political committee seeks to influence the results through the expenditure of funds, whichever may be applicable. Beginning on the fortieth day preceding such election, reports shall be filed on Monday of each week preceding the election, with a final pre-election report filed on the fifth day immediately preceding the election.

(2) All reports required of candidates by this section shall be filed with the officer before whom the candidate is required by law to qualify. Reports shall be filed not later than noon of the day designated. All such reports shall be open to public inspection. A duplicate copy, duly certified, shall be filed at the same time with the clerk of the circuit court in the county in which the candidate resides, unless under the provisions of this subsection the original reports are filed with such clerk. Any report which is deemed to be incomplete by the officer to whom it is submitted shall be accepted on a conditional basis and the campaign treasurer shall be notified by registered mail as to why the report is incomplete and shall be given forty-eight (48) hours from receipt of such notice to file an addendum to the report providing all information necessary to complete the report in compliance with this section. Failure to comply with such notice shall constitute a violation of this act.

(3) Reports required of political committees shall be filed with the division of elections if such committee is supporting or opposing a candidate for statewide office or advocating the acceptance or rejection of an issue to be voted on in a statewide election. If such political committee is supporting or opposing a candidate for districtwide (multi-county) office or is advocating the acceptance or rejection of an issue to be voted on in an election to be held in more than one county, such reports shall be filed with the clerk of the circuit court of each county in which the election is to be held and a duplicate copy filed with the division of elections. If such political committee is supporting or opposing a candidate for countywide office or for any office on less than a countywide basis, or is advocating the acceptance or rejection of an issue to be voted on in a countywide election or in any election on less than a countywide basis, such reports shall be filed with the clerk of the circuit court of the county in which such election is being held and a duplicate copy filed with the division of elections. Incomplete reports by political committees shall be treated in the manner provided for incomplete reports by candidates in subsection (2).

(4) Each report required by this section shall contain the following information:

(a) The amount of funds on deposit at the beginning of the reporting period;

(b) The full name, residence, if any, mailing address, occupation, and principal place of business if any of each person who has made one or more contributions to or for such committee or candidate within the reporting period, together with the amount and date of such contributions;

(c) The name and address of each political committee from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers;

(d) Each loan for campaign purposes to or from any person or political committee within the reporting period, together with the full names, addresses, occupations, and principal places of business if any of the lender and endorsers, if any, and the date and amount of such loans;

(e) The total amount of proceeds from:

1. Sales of tickets to each dinner, luncheon, rally, or other fundraising event regulated by section 99.193, Florida Statutes, and

2. Sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(f) Each contribution, rebate, refund, or other receipt not otherwise listed under paragraphs (b) through (e);

(g) The total sum of all receipts by or for such committee or candidate during the reporting period;

(h) The full name, residence, if any, mailing address, occupation, and the principal place of business if any of each person to whom expenditures have been made by or on behalf of the committee or candidate within the reporting period, the amount, date, and purpose of each such expenditure, and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made; provided, expenditures made from the petty cash fund provided by section 12 of this act need not be reported individually;

(i) The full name, mailing address, occupation, and the principal place of business if any of each person to whom an expenditure for personal services, salaries, or reimbursed expenses has been made and which is not otherwise reported, including the amount, date, and purpose of such expenditure; provided, expenditures made from the petty cash fund provided by section 12 of this act need not be reported individually;

(j) The total amount withdrawn and the total amount spent for petty cash purposes pursuant to this act during the reporting period;

(k) The total sum of expenditures made by such committee or candidate during the reporting period;

(l) The amount and nature of debts and obligations owed by or to the committee or candidate, in such form as the

division of elections may prescribe, and a continuous reporting of these debts and obligations after the election at such periods as the division of elections may require until such debts and obligations are extinguished;

(5) A final report shall be filed forty-five (45) days after the last election in a given election year in which a candidate or political committee participates. If such final statement shows an unexpended balance of contributions or an expenditure deficit, the political treasurer of the candidate or political committee shall file with the division of elections a supplemental statement of contributions and expenditures not more than thirty (30) days after the deadline for filing the final statement, and, every sixty (60) days after the deadline for filing the first supplemental statement, an additional supplemental statement of contributions and expenditures. Such supplemental statements shall be filed every sixty (60) days until the account shows no unexpended balance of contributions or expenditure deficit.

(6) The candidate and his campaign treasurer in the case of a candidate or the political committee chairman and campaign treasurer of the committee in the case of a political committee shall certify as to the correctness of each report, and each person so certifying shall bear the responsibility for the accuracy and veracity of each report. Any campaign treasurer, candidate, or political committee chairman who willfully certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete shall be guilty of a felony of the third degree, punishable as provided in sections 775.082, 775.083, or 775.084, Florida Statutes.

(7) Within forty-five (45) days after each election in which a candidate or political committee participates, each designated campaign depository of each such candidate or political committee shall file either the original or a true copy of all the deposit slips filed with the said depository by the campaign treasurer and the original or a true copy of all authorizations by the campaign treasurer upon which funds were withdrawn from said depository. Information by depositories shall be filed with the officer before whom the candidate whose account the depository carries is required to qualify or the primary officer with whom the political committee files the reports required by this section, as the case may be.

Section 8. Contributions; limitations on.—

(1) No person or political committee shall make contributions to any candidate or political committee in this state, in moneys, material, or supplies or by way of loan, in excess of the following amounts:

(a) To a candidate for countywide office or to a candidate in any election voted upon on less than a countywide basis, one thousand dollars (\$1,000);

(b) To a candidate for legislative or multi-district office, one thousand dollars (\$1,000);

(c) To a candidate for statewide office, three thousand dollars (\$3,000);

(d) To any political committee in support of or in opposition to an issue to be voted on in a statewide election, three thousand dollars (\$3,000);

(e) To any political committee in support of or in opposition to an issue to be voted on in a countywide or districtwide election, one thousand dollars (\$1,000); and

(f) To a political committee supporting one or more candidates, one thousand dollars (\$1,000).

The contribution limits provided in paragraphs (a) through (f) shall not apply to contributions made by political parties regulated by either chapter 103, Florida Statutes, or to amounts contributed by a candidate to his own campaign. The limitations provided by this subsection shall apply to each election in which a candidate or political committee participates. For purposes of this subsection the first and second primaries and general election shall be deemed separate elections.

(2) Any contribution received by the campaign treasurer or deputy treasurers less than five (5) days prior to an election in which a candidate or political committee participates shall be returned by him to the person or political committee contributing it and shall not be used or expended by or on behalf of a candidate or political committee. Any contribution which is not reported on or prior to the final pre-election campaign report required by subsection (1) of section 7 shall not be expended in the election to which such report refers.

(3) No person shall give, furnish, or contribute moneys, material, supplies or make loans in support of a candidate for election or nomination, to any political committee, or in support of or in opposition to an issue, through or in the name of another, directly or indirectly, in any primary or general election or in any election at which an issue is presented to the electors for their approval or rejection. The solicitation from and contributions by candidates, political committees, and party executive committees to any religious, charitable, civic, eleemosynary, or other causes or organizations established primarily for the public good is expressly prohibited; provided that it shall not be construed as a violation of this subsection for a candidate to continue regular personal contributions to religious, civic, or charitable groups of which he is a member or to which he has been a regular contributor for more than six (6) months.

(4) Any person knowingly and willfully making a contribution in violation of this section shall be guilty of a misdemeanor of the first degree, punishable as provided in sections 775.082 or 775.083, Florida Statutes. If any corporation, partnership, or other business entity is convicted of knowingly and willfully violating this section, it shall be fined not less than \$1,000 and not more than \$10,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction. If a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity who aids, abets, advises, or participates in a violation of this section shall be guilty of a misdemeanor of the first degree, punishable as provided in sections 775.082 or 775.083, Florida Statutes.

(5) Any person found guilty of knowingly and willfully violating the provisions of this section shall, in addition to any other penalty prescribed by this act, pay to the state a sum equal to twice the amount contributed in violation of this act. Each campaign treasurer shall pay all amounts contributed in violation of this section to the state for deposit in the general revenue fund.

Section 9. Receipts for cash contributions.—

(1) No person shall make a cash contribution in excess of one hundred dollars (\$100) unless the contribution is accompanied by a contribution statement on a form approved by the division of elections. Such statement shall contain the following information:

- (a) The full name, residence, mailing address, occupation, and place of business of the contributor;
- (b) The date on which the contribution was made and the name of the person who received the contribution on behalf of the candidate or political committee;
- (c) The exact amount of the contribution;
- (d) A statement of the penalty for failing to report any such cash contributions made, or for deliberately filing a false statement;
- (e) A statement by the contributor that the information contained therein is true to the best of his knowledge; and
- (f) The signature of the contributor.

(2) It shall be the duty of each candidate or each political committee to furnish in triplicate the form described in subsection (1) to each person contributing cash in excess of one hundred dollars (\$100). One copy of the form shall be sent to the primary filing officer by the campaign treasurer, one copy retained by the contributor, and one copy filed with the depository at the time the contribution is deposited.

(3) Any person required by subsection (1) of this section to submit a statement of cash contributions who knowingly and willfully fails to submit such a statement or who knowingly and willfully files an inaccurate statement shall be guilty of a misdemeanor of the first degree punishable as provided in sections 775.082 and 775.083.

Section 10. Campaign expenditures; limitations.—No candidate for nomination or election to the offices of governor, lieutenant governor, or any other office elected from the state at large, the state senate or house of representatives, or any other office, including judicial office, elected either by district or countywide, or any municipal office, or any person, campaign

treasurer or deputy campaign treasurer, political committee, political party, or other organization acting on behalf of such candidate with his knowledge, shall expend any funds or incur any obligation or expenditure of funds on behalf of his nomination or election in excess of the following:

(1) For the offices of governor and lieutenant governor, the maximum allowable expenditure of funds by any candidate shall be two hundred fifty thousand dollars (\$250,000) for the first primary, two hundred fifty thousand dollars (\$250,000) for the second primary, and three hundred fifty thousand dollars (\$350,000) for the general election. For the purposes of this subsection the governor and lieutenant governor candidates shall be considered a single candidacy.

(2) For any other office elected by the state at large, the maximum allowable expenditure of funds by each candidate shall be one hundred fifty thousand dollars (\$150,000) for the first primary, one hundred fifty thousand dollars (\$150,000) for the second primary, and two hundred fifty thousand dollars (\$250,000) for the general election.

(3) For the state senate and house of representatives, the maximum allowable expenditure of funds by each candidate shall be fifteen thousand dollars (\$15,000) for the first primary, fifteen thousand dollars, (\$15,000) for the second primary, and twenty-five thousand dollars (\$25,000) for the general election.

(4) For any other office, including judicial office, elected either by district or countywide, or any municipal office, the maximum allowable expenditure of funds by each candidate shall be fifteen thousand dollars (\$15,000) in the first primary, fifteen thousand dollars (\$15,000) for the second primary, and twenty-five thousand dollars (\$25,000) for the general election.

(5) The limits provided by subsections (1) through (4) shall apply to the period of time preceding the election to which a given limit relates. In no event shall this section be construed so as to allow expenditure of funds by a candidate for a given election in excess of the amount specified for that election.

(6) In the event that contributions are made to a candidate in excess of the amounts permitted to be expended in the last election in which that candidate participates, the excess shall be escheated to the state and shall be remitted to the department of state within sixty (60) days after the last election in which the candidate participates. The excess campaign contributions so escheated shall be deposited in the general revenue fund.

(7) Expenditures made by a political committee for obtaining time, space, or services by any communications media for purposes of jointly endorsing four (4) or more candidates do not require prior candidate approval nor are such expenditures attributable to the expense limits of individual candidates on such slate.

Section 11. Expenditures by candidates and political committees.—Each candidate and each political committee designating designated primary campaign depositories pursuant to subsection (1) of section 2 of this act shall make expenditures only from funds on deposit in such primary campaign depository and only in the following manner, with the exception of expenditures made from petty cash funds provided by section 12 of this act:

(1) The campaign treasurer or duly authorized deputy campaign treasurer of a candidate or political committee shall deliver an authorization voucher to the person or firm providing goods or services to the candidate or political committee for which funds are to be expended. The authorization voucher shall be in a form approved by the division of elections and shall contain the following information:

- (a) The exact amount of funds authorized to be expended by such voucher;
- (b) The exact nature, amount, or extent of goods or services to be rendered in consideration of such funds;
- (c) A statement by the campaign treasurer or deputy treasurer that:

1. The amount authorized to be paid is the full amount to be rendered for the goods or services stated and that the goods or services stated is the amount or extent of goods or services to be rendered for the amount to be paid,

2. That there are sufficient funds on deposit in the primary depository to pay the amount authorized in the voucher,

3. That such an expenditure will not be in violation of the expense limitations provided by section 10 of this act, and

(d) The signature of the campaign treasurer or deputy treasurer authorizing the expenditure.

(2) The provider of goods or services shall present such authorization voucher to the primary depository for payment from the account of the candidate or political committee authorizing the expenditure. The provider of goods or services shall certify in writing in a space provided on the voucher that all the information contained on such voucher is true and complete to the best of his knowledge, and shall sign such certification.

(3) If the primary depository finds an authorization voucher to be complete and in order, it shall render payment in the amount authorized by the voucher from the account of the candidate or political committee authorizing the expenditure. If the voucher is not in order, the primary depository shall return the forms to the provider of goods or services and shall immediately file a complete report of the occurrence with the division of elections.

Section 12. Petty cash funds allowed.—

(1) Beginning on the fortieth day preceding an election in which a candidate or political committee intends to participate, the campaign treasurer of each candidate or each political committee is authorized to withdraw the following amount each week from the primary depository for the purpose of providing a petty cash fund for the candidate or political committee:

(a) For all candidates for nomination or election on a statewide basis, one thousand dollars (\$1,000) per week; and

(b) For all other candidates and all political committees, two hundred dollars (\$200) per week.

(2) The petty cash fund so provided may be spent for office supplies, transportation expenses, and other necessities in an amount of less than twenty dollars (\$20). Petty cash shall not be used for the purchase of time, space, or services from communications media as defined in subsection (11) of section 1 of this act.

Section 13. Expenditures allowed only from funds on deposit.—No campaign treasurer or deputy campaign treasurer shall authorize the incurring of any expense for any purpose unless there are funds on deposit in the primary campaign depository to the credit of the account known as the campaign fund of the person, political committee, or other organization sufficient to pay the amount of the expenses so authorized, together with all other expenses previously authorized or unless such expense is to be paid from petty cash on hand as provided by section 12 of this act. Any such expenses incurred or authorized or official campaign treasurer's reports thereof in excess of such funds on deposit shall constitute a violation of this act.

Section 14. No goods or services provided without prior authorization.—

(1) Except as provided by subsection (2) of this section, no person, corporation or other business entity, political committee, or other group or organization shall provide goods or render services for consideration to any candidate or political committee unless such provision of goods or rendition of services is first authorized in the manner provided by section 11 of this act or unless the expense is to be paid from petty cash on hand as provided by section 12 of this act. Any provider of goods or services who knowingly renders such goods or services without first receiving an authorization voucher or knowingly renders goods or services in excess of the expenditure or amount of goods or services authorized by such form shall be in violation of this act.

(2) Authorization vouchers for expenditures to public utilities for telephone, electric, gas, water, and like services shall be issued when the bill for such services is received if the candidate or political committee receiving such services has deposited with the utility an amount which such public utility estimates as being sufficient to meet all charges for a given billing period.

(3) If any corporation, partnership, or other business entity is convicted of knowingly and willfully violating this section, it shall be fined not less than \$1,000 and not more than \$10,000. If it is a domestic corporation, partnership, or other business entity, in addition to such fine and penalty, it may be dissolved; and, if a foreign or non-resident corpora-

tion, partnership, or other business entity, its right to do business in this state may be declared forfeited.

(4) Any officer, partner, employee, agent, or attorney or other representative of a corporation, partnership, or other business entity who knowingly and willfully aids, abets, advises, or participates in a violation of this section shall be guilty of a misdemeanor of the first degree and punished as provided in sections 775.082 or 775.083, Florida Statutes.

(5) Any individual knowingly and willfully violating the provisions of this section shall be guilty of a misdemeanor in the first degree and punished as provided in sections 775.082 or 775.083, Florida Statutes.

Section 15. Certain expenditures prohibited.—

(1) No person, candidate, political party, political committee, or person acting on behalf of another, shall, prior to qualifying for office, directly or indirectly make any expenditure in furtherance of any candidacy or in support of or in opposition to any issue, for the following purposes:

(a) Advertising on radio or television;

(b) Advertising in newspapers, magazines, or periodicals;

(c) Advertising on billboards, banners, or streamers;

(d) Advertising on campaign literature or any other printing; or

(e) Renting of hall in which to address the public. Provided a person, candidate, political party, political committee, or person acting on behalf of another shall be permitted to reserve but make no use of advertising time and space prior to qualifying for office.

(2) No person shall pay money or give anything of value for the privilege of speaking at a political meeting in the furtherance of his candidacy, nor shall anyone speaking for such a person pay money or give anything of value for such privilege.

(3) If any corporation, partnership, or other business entity is convicted of knowingly and willfully violating this section, it shall be fined not more than ten thousand dollars (\$10,000), and, if a domestic corporation, partnership, or other business entity, in addition to such fine and penalty, it may be dissolved; and, if a foreign or non-resident corporation, partnership, or other business entity, its right to do business in this state may be declared forfeited.

(4) Any officer, partner, employee, agent, or attorney or other representative of a corporation, partnership, or other business entity who knowingly and willfully aids, abets, advises, or participates in a violation of this section shall be guilty of a misdemeanor of the first degree and punished as provided in sections 775.082 or 775.083, Florida Statutes.

(5) Any individual violating the provisions of this section shall be guilty of a misdemeanor in the first degree and punished as provided in sections 775.082 or 775.083, Florida Statutes.

Section 16. Limitation on certain rates and charges.—

(1) No communications media or other supplier of goods or services shall require a candidate or political committee to pay a higher charge than the normal charge it requires other customers to pay for comparable materials or services nor shall one candidate or political committee be charged more than another candidate or political committee for similar services.

(2) Violations of this section are punishable as provided in subsection (3), (4), and (5) of section 15 of this act.

Section 17. Polls, surveys, etc., acts prohibited, exceptions, penalty.—

(1) No person or public office holder in the furtherance of his candidacy for nomination or election for public office in any election, shall himself, or by any other person or state or county executive committee or other political committee, or on behalf of any person, directly or indirectly, give, pay or expend any money or give or pay anything of value, or authorize any expenditures to become pecuniarily liable for any political poll, survey, index or measurement of any kind or the publication, production or distribution thereof, relating to candidacy for public office.

(2) No person shall solicit either directly or indirectly from any candidate for nomination or election for public office, or from any public office holder, any money or thing of value for the conduct of any poll, survey or index of measurement of any kind or the endorsement by any person, political committee or

group or the publication, production or distribution thereof, relating to candidacy for public office.

(3) Provided, however, this section shall not apply to any poll conducted by the candidate himself or by a political committee where the candidate or political committee maintains control of the manner, method, time, advertisement and complete jurisdiction over the said poll in all its aspects.

(4) Any person violating the provisions of this subsection shall be guilty of a misdemeanor of the first degree and punished as provided in section 775.082 or 775.083, Florida Statutes.

Section 18. When candidate's name to be omitted from ballot.—

(1) The name of a candidate shall not be printed on the ballot for an election if:

(a) The political treasurer of the candidate or of any political committee supporting the candidate knowingly and willfully fails to file the final pre-election report containing all contributions and expenditures to that date and the final report to be filed forty-five days after the general election; or

(b) The candidate or his campaign treasurer have been convicted of violating section 19 of this act.

(2) Delay in the filing of a statement referred to in subsection (1) beyond the time required by law does not prevent the acceptance of such statement or prevent the inclusion of the candidate's name on the official ballot if there is reasonable time for such inclusion after the filing of the statement.

(3) A vacancy on an official ballot under this section may be filled in the manner provided by law, but not by the name of the candidate.

(4) No certificate of election shall be granted to any candidate until all pre-election reports required by section 7 of this act have been filed in accordance with the provisions of section 7 or section 20.

Section 19. Violations by candidates, political committees, campaign treasurer.—

(1) Any candidate, campaign treasurer, or deputy treasurer of any candidate, or any committee chairman, vice chairman, campaign treasurer, or deputy treasurer of any political committee who knowingly:

(a) Accepts a contribution prohibited by section 8 of this act;

(b) Fails to report any contribution required to be reported by this act;

(c) Falsely reports or deliberately fails to include any information required by this act;

(d) Makes any expenditure in excess of the amounts provided in section 10 of this act, any expenditure in excess of funds on deposit as provided in section 13 of this act, or any other expenditure prohibited by this act; or

(e) Makes any expenditure in any manner other than that provided by this act, shall be guilty of a misdemeanor of the first degree and punished as provided in sections 775.082 or 775.083, Florida Statutes.

(2) Any candidate, campaign treasurer, or deputy treasurer or any chairman or vice chairman of any political committee who violates paragraphs (1)(a), (b), (d), or (e) of this section shall be subject to a civil penalty equal to three (3) times the amount involved in the illegal act. Such penalty shall be in addition to the penalties provided by subsections (1) and (2) of this section and shall be paid into the general revenue fund of this state.

Section 20. Failure to submit reports.—If any campaign treasurer fails to submit a report required by section 7 of this act, the filing officer who is to receive such report shall send a notice to the campaign treasurer by registered mail with return receipt requested, stating that such report is overdue and ordering such treasurer to file the report not later than 5:00 p.m. of the second business day after the notice is received. Copies of such notice shall be mailed in a like manner to the candidate or the chairman of the political committee appointing such treasurer. Willful failure to submit such reports prior to the time designated in the notice shall constitute a violation of this section and is punishable as provided in subsection (1), (2), and (3) of section 19 of this act.

Section 21. Certificates of nomination or election not to be issued upon conviction.—

(1) If a successful candidate is convicted of violating section 19 of this act prior to the issuance of his certificate of nomination or election, such certificate shall not be issued and a vacancy declared and filled as provided by law.

(2) If a successful candidate is convicted of violating section 19 of this act subsequent to the issuance of a certificate of election but prior to taking office, such certificate shall be rescinded by the issuing body and declared void, and a vacancy in office shall exist and be filled as provided by law.

Section 22. Duties of the division of elections.—It shall be the duty of the division of elections to:

(1) Prescribe forms for statements and other information required to be filed by this act and to furnish these forms to persons required to file such statements and information;

(2) Prepare and publish a manual prescribing a uniform system for accounts for use by persons required to file statements by this act;

(3) Accept and file any information voluntarily supplied that exceeds the requirements of this act;

(4) Develop a filing, coding, and cross-indexing system consonant with the purposes of this act;

(5) Make statements and other information filed with it available for public inspection and copying during regular office hours and to make copying facilities available at a charge not to exceed actual cost;

(6) Preserve such statements and other information for a period of ten (10) years from date of receipt;

(7) Prepare and publish summaries of the statements received;

(8) Prepare and publish an annual report including compilations of total reported contributions and expenditures for all candidates, political committees, and other persons during the year; total amounts expended according to such categories as it shall determine and broken down into candidate, party, and nonparty expenditures on the state and local levels; total amounts expended for influencing nominations and elections stated separately; total amounts contributed according to such categories of amounts as it shall determine and broken down into contributions on the state and local levels for candidates and political committees; and aggregate amounts contributed in excess of one hundred dollars (\$100);

(9) Prepare and publish from time to time special reports comparing the various totals and expenditures made with respect to preceding elections;

(10) Prepare and publish such reports as it may deem appropriate;

(11) Assure wide dissemination of statistics, summaries, and reports prepared under this act;

(12) Make, from time to time, audits and field investigations with respect to reports and statements filed under the provisions of this act, and with respect to alleged failures to file any report or statement required under the provisions of this act;

(13) Investigate apparent or alleged violations of this act and to recommend legal disposition of the violation as provided in section 25 of this act;

(14) Employ such personnel or to contract for such services as are necessary to adequately carry out the intent of this act;

(15) Provide adequate staffing and facilities for the Florida elections commission created by section 24 of this act;

(16) Prescribe suitable rules and regulations to carry out the provisions of this act; provided such rules shall be prescribed pursuant to chapter 120, Florida Statutes, and

(17) Make an annual report to the legislature concerning activities of the division and recommending improvements in the election code.

Section 23. Powers of the division of elections.—In order to carry out the responsibilities prescribed by this act, the division of elections is empowered to subpoena and bring before its duly authorized representatives any person in the state and to require the production of any papers, books, or other records relevant to any investigation, including the records and ac-

counts of any bank or trust company doing business in this state. Duly authorized representatives of the division are empowered to administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before them concerning any relevant matter. Should any witness fail to respond to the lawful subpoena of the division, or, having responded, fail to answer all lawful inquiries or to turn over failure on the part of the witness. On the filing of such complaint before any circuit court of the state setting up such evidence that has been subpoenaed, the division may file a complaint, the court shall take jurisdiction of the witness and the subject matter of said complaint and shall direct the witness to respond to all lawful questions and to produce all documentary evidence in his possession which is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal contempt of court, and the court shall punish said witness accordingly, provided, that the refusal by a witness to answer inquiries or turn over evidence on the basis that such testimony or material will tend to incriminate such witness shall not be deemed refusal to comply with the provisions of this act.

Section 24. Florida elections commission; membership; powers; duties.—

(1) There is created within the department of state a Florida elections commission, hereinafter referred to as the commission. It shall be composed of seven (7) members who shall be appointed by the secretary of state and confirmed by the Senate. Members of the commission shall elect a chairman by majority vote. Members of the commission appointed by the secretary of state shall serve for four (4) year terms; provided, of the original appointees, three members shall be appointed for terms of two (2) years each and their successors shall be appointed for full four (4) year terms. The chairman of the commission shall serve for a term of three (3) years. Vacancies on the commission shall be filled for the unexpired term in the manner of the original appointment to the vacated position. Members of the commission may be reappointed to succeed themselves. Members of the commission shall be paid travel and per diem as provided in section 112.061, Florida Statutes, while in performance of their duties and in traveling to, from, and upon same.

(2) In making the original appointments to the commission, the secretary of state shall appoint three (3) persons each from a list of at least ten (10) names submitted by the chairman of the state executive committee of each political party in the state which had cast for its candidate for president and vice-president in the last election more than ten percent (10%) of the total vote cast for president and vice-president in the state, and with which ten percent (10%) of the total registered electors have registered by February 1, of each general election year. Subsequent appointments shall be made from a list of at least four (4) persons submitted by the chairman of the state executive committee of the political party submitting the name of the original appointee to the position vacated or the term of which has expired. A member may be removed from the commission by affirmative vote of at least five (5) other members of the commission, and a vacancy shall occur upon removal.

(3) The commission shall convene at the call of its chairman or at the call of the secretary of state. The presence of five (5) members is required to constitute a quorum and the votes of a two-thirds of the members present is required for any action or recommendation by the commission. The commission may meet in any city of the state.

(4) The division of elections shall provide the necessary staff and facilities for the commission to carry out its duties pursuant to this act.

Section 25. Reports of alleged violations to department of state; disposition of findings.—

(1) Any citizen of the state having information of any violation of this act may file a sworn complaint with the division of elections with a copy being filed with the chairman of the elections commission. If the complaint alleges violations by a candidate for state or legislative office, including all judicial offices, by a political committee supporting any such candidate, or by a political committee advocating the acceptance or rejection of an issue to be voted upon in a statewide election, the division shall investigate the allegations contained in the complaint and shall report its findings to the secretary of state for further action as provided in subsection (2). If the complaint alleges violations by a candidate for any other office chosen at an election, by any political committee supporting such a candidate, or by any political committee advocating the acceptance or rejection of an issue voted upon on less than a statewide basis,

the division shall forward a copy of the complaint to the state attorney for the judicial circuit in which the alleged violation occurred. It shall be the duty of a state attorney receiving a complaint pursuant to this subsection to promptly and thoroughly investigate the allegations contained therein and to file a full report of the investigation and proposed disposition of the complaint with the division of elections. Each complaint received by the division shall be kept confidential until such time that the secretary of state concludes that disposition of such complaint has occurred pursuant to this act, at which time such complaint and all relevant reports and recommendations shall become matters of public record. The division shall initiate appropriate investigative or referral action on each complaint within seventy-two (72) hours (Saturday, Sundays, and legal holidays excluded). Nothing contained in this subsection shall be deemed to preclude the division of elections from investigating any possible violations of this act that come to its knowledge other than by means of a sworn complaint.

(2) Whenever in the judgment of the secretary of state any candidate for state or legislative office, including all judicial offices, any political committee supporting such a candidate, or any political committee advocating the acceptance or rejection of an issue to be voted upon on a statewide basis has engaged in any act or practice which constitutes a violation of this act or any rule or regulation promulgated pursuant to this act, the secretary of state shall convene the elections commission at the earliest reasonable time to hear all available facts concerning the violation and to recommend legal disposition of the violation when justified by the facts.

(3) Upon the convening of the elections commission, the secretary of state or his designee shall present all available information to the commission concerning alleged violations of this act. The commission shall initiate appropriate proceedings concerning a complaint within seventy-two (72) hours (Saturday, Sundays, and holidays excluded), of its presentation by the secretary of state. The commission shall hold hearings in the manner provided by this act to determine if probable cause exists to believe that a violation of this act has occurred. The commission may also hear allegations of violations that may come to its attention in addition to those presented by the department of state and may recommend disposition of such allegations as provided herein.

(4) All proceedings of the commission shall be in closed session attended by only those persons, including the attorney or attorneys for the party allegedly violating this act, necessary to the transaction of the affairs of the commission. Any person who discloses any testimony, finding, or other transactions of the commission occurring in closed session except as provided herein or unless ordered to do so by a court of competent jurisdiction shall be guilty of a misdemeanor in the first degree and punished as provided in sections 775.082 or 775.083.

(5) Any person who files a complaint pursuant to this section while knowing that the allegations contained in such complaint are false or without merit or any person who willfully discloses the contents of any complaint before such complaint is declared public record by the secretary of state shall be guilty of a misdemeanor of the first degree and punished as provided in sections 775.082 or 775.083, Florida Statutes.

Section 26. Powers of commission; rights and responsibilities of parties; findings by commission.—

(1) In order to carry out its duties, the commission may, whenever required, issue subpoena and other necessary process to compel the attendance of witnesses before it. The chairman thereof shall issue said process on behalf of the commission. The chairman or any other member of the commission may administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before the commission for the purpose of testifying in any matter about which the commission may desire evidence. The commission, whenever required, may also compel by subpoena the production of any books, letters, or other documentary evidence it may desire to examine in reference to any matter before it. The sheriffs in the several counties shall make such service and execute all process or orders when required by the commission. Sheriffs shall be paid for these services by the commission as provided for in section 30.231, Florida Statutes. Any person who is served with a subpoena to attend a hearing of the commission also shall be served with a general statement informing him of the subject matter of the commission's investigation or inquiry and a notice that he may be accompanied at the hearing by counsel of his own choosing.

(2) Should any witness fail to respond to the lawful subpoena of the commission, or, having responded, fail to answer

all lawful inquiries or to turn over evidence that has been subpoenaed, the commission may file a complaint before any circuit court of the state setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of said complaint and shall direct the witness to respond to all lawful questions and to produce all documentary evidence in his possession which is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal contempt of court, and the court shall punish said witness accordingly.

(3) All witnesses summoned before the commission shall receive reimbursement for travel expenses and per diem at the rates provided in section 112.061, Florida Statutes. However, the fact that such reimbursement is not tendered at the time the subpoena is served shall not excuse the witness from appearing as directed therein.

(4) Upon request of any person having business before the commission and the approval of a majority of the commission, the chairman or in his absence the vice-chairman, shall instruct all witnesses to leave the hearing room and retire to a designated place. The witness will be instructed by the chairman or in his absence the vice-chairman, not to discuss his testimony or the testimony of any other person with anyone until the hearing has been adjourned and the witness discharged by the chairman. The witness shall be further instructed that should any person discuss or attempt to discuss the matter under investigation with him after receiving such instructions he shall bring such matter to the attention of the commission. No member of the commission or representative thereof may discuss any matter or matters pertinent to the subject matter under investigation with witnesses to be called before the commission from the time that these instructions are given until the hearing has been adjourned and the witness discharged by the chairman.

(5) The commission, when interrogating witnesses as provided herein, shall cause a record to be made of all proceedings in which testimony or other evidence is demanded or adduced. This record shall include rulings of the chair, questions of the commission and its counsel, the testimony or responses of witnesses, sworn written statements submitted to the commission, and such other matters as the commission or its chairman may direct. A witness at a hearing, upon his advance request and at his own expense, shall be furnished a certified transcript of his testimony at the hearing.

(6) Before or during a hearing a witness or his counsel may file with the commission for incorporation into the record of the hearing sworn written statements relevant to the purpose, subject matter, and scope of the commission's investigation or inquiry. Any such witness shall, however, prior to filing such statement, consent to answer questions from the commission regarding the contents of the statement.

(7) Any person whose name is mentioned or who is otherwise identified during a hearing being conducted by the commission and who, in the opinion of the commission, may be adversely affected thereby, may, upon his request or upon the request of any member of the commission, appear personally before the commission and testify on his own behalf, or, with the commission's consent, file a sworn written statement of facts or other documentary evidence for incorporation into the record of the hearing. Any such witness, however, shall prior to filing such statement, consent to answer questions from the commission regarding the contents of the statement.

(8) Upon the consent of a majority of its members, the commission may permit any other person to appear and testify at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No request to appear, appearance or submission shall limit in any way the commission's power of subpoena. Any such witness, however, shall prior to filing such statement, consent to answer questions from the commission regarding the contents of the statement.

(9) Any person who appears before the commission pursuant to this section shall have all the rights, privileges, and responsibilities of a witness appearing before a court of competent jurisdiction.

(10) If the commission fails in any material respect to comply with the requirements of this section, any person subject to subpoena or subpoena duces tecum who is injured by such failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued, or, if present, to

testify or produce evidence therein; and such failure shall be a complete defense in any proceeding against such person for contempt or other punishment.

(11) Whoever willfully affirms or swears falsely in regard to any material matter or thing before the commission shall be guilty of a felony in the third degree and punished as provided by sections 775.082, 775.083, or 775.084, Florida Statutes.

(12) At the conclusion of its hearings concerning an alleged violation, the commission shall immediately begin deliberations on the evidence presented at such hearings and shall then proceed to determine by majority vote of the members present whether probable cause exists to believe that a violation of this act has occurred. The findings of the commission concerning an alleged violation shall be made public by the chairman as soon as such determination is made.

Section 27. Determinations by commission; legal disposition by attorney general.—

(1) If the commission determines that probable cause exists to believe a violation of this act has occurred, the commission shall immediately transmit such determination to the attorney general for disposition pursuant to this section. The commission and the secretary of state shall forthwith transmit to the department of legal affairs all available information concerning the alleged violation.

(2) Upon receipt of a determination by the commission or upon becoming aware of a violation from any other source, the attorney general shall institute such legal proceedings on behalf of the State of Florida as he deems to be justified by the facts presented and in keeping with the spirit and intent of this act. Such legal proceedings may include the following:

(a) Civil actions for relief, including permanent or temporary injunctions, restraining orders, or any other appropriate order for the imposition of civil penalties provided by this act. Such civil actions shall be brought in the circuit court for the circuit in which the alleged violator or violators is found, resides, or transacts business. Upon a proper showing that such person or political committee has engaged or is about to engage in prohibited acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court and the civil fines provided by this act may be imposed;

(b) Civil actions may be brought to temporarily enjoin the issuance of certificates of nomination or election to successful candidates who are alleged to have violated the provisions of this act, and such injunctions shall issue upon a showing of probable cause that such violation has occurred. Such actions shall be brought in the circuit court for the circuit in which the officer before whom the candidate qualified for office is located; and

(c) Criminal proceedings concerning violations of this act may be brought by the department of legal affairs in the appropriate circuit courts of this state, or the attorney general may forward all relevant information to an appropriate state attorney in any judicial circuit for the initiation of criminal proceedings.

(3) Any action brought under this section shall be advanced on the docket of the circuit court in which filed, and put ahead of all other actions other than other actions brought under this section.

Section 28. Limitation of actions.—Actions for violation of this act may be commenced before two (2) years have elapsed from the date of the violation.

Section 29. Reports by political parties.—

(1) Each state and county executive committee of any political party regulated by chapter 103, Florida Statutes, shall file regular reports of all contributions received and all expenditures made by such committee. Such reports shall be filed at the same times and shall contain the same information as reports required of candidates by section 7 of this act. State executive committees shall file their reports with the division of elections. County committees shall file their reports with the clerk of the circuit court in the county in which such committee exists and shall file duplicate copies with the division of elections.

(2) The chairman and treasurer of each committee shall certify as to the correctness of each report filed by them on behalf of such committee. Any committee chairman or treasurer who certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete, shall be guilty

of a felony of the third degree, punishable as provided in sections 775.082, 775.083, or 775.084, Florida Statutes.

(3) Any contribution received by a state or county committee less than five (5) days before an election shall not be used or expended in behalf of any candidate, issue, or political party participating in such election.

(d) No state or county executive committee, in the furtherance of any candidate or political party, directly or indirectly, shall give, pay, or expend any money, give or pay anything of value, authorize any expenditure, or become pecuniarily liable for any expenditures prohibited by this act. However, the contribution of funds by one executive committee to another or to established party organizations for legitimate party or campaign purposes or to individual candidates of that party in general elections in amounts exceeding those set forth in section 8 of this act shall not be prohibited, but all such contributions shall be recorded and accounted for in the reports of the contributor and recipient.

Section 30. Repealer.—Sections 99.161, 99.183, and 104.27, Florida Statutes, are repealed.

Section 31. This act shall take effect upon becoming law.

Amendment 2—On page 4, line 23 strike “section 6” and insert: section 7

Amendment 3—On page 6, lines 19-23, strike everything after the period on line 19.

Amendment 4—On page 9, line 2, after “dues” insert: and assessments

Amendment 5—On page 17, lines 9 and 10, strike “in such form as the division of elections may prescribe,” and insert: which relate to the conduct of any political campaign,

Amendment 6—On page 19, lines 17 and 18, strike “and second primaries” and insert: primary, second primary.

Senators de la Parte, Plante and Ware offered the following amendment which was moved by Senator de la Parte:

Amendment 7—On page 23, line 7, strike “state senate and”

Senator Weber moved the adoption of the following substitute amendment:

Amendment 8—On page 22, strike lines 26 through 29 and insert: candidate shall be a total of eight hundred fifty thousand dollars (\$850,000) for the first and second primary elections and the general election. For

The President presiding.

Amendment 8 failed by the following vote:

Yeas—13

Glisson	Johnston	Sykes	Wilson
Gruber	Lane (31st)	Ware	
Henderson	Sims	Weber	
Johnson	Stolzenburg	Williams	

Nays—19

Mr. President	Gillespie	Peterson	Smathers
Barron	Gordon	Pettigrew	Trask
Childers	Graham	Plante	Vogt
de la Parte	Lane (23rd)	Poston	Winn
Firestone	Lewis	Saunders	

Amendment 7 was adopted.

Senators de la Parte, Plante and Ware offered the following amendments which were adopted on motions by Senator de la Parte:

Amendment 9—On page 23, between lines 6 and 7 insert: new subsection (3)

(3) For the state senate the maximum allowable expenditure of funds by each candidate shall be twenty five thousand dollars (\$25,000) for the first primary, fifteen thousand dollars (\$15,000) for the second primary, and twenty-five thousand (\$25,000) for the general election.
(renumber)

Amendment 10—On page 23, line 13, strike “including” and insert: excluding

Senators de la Parte, Plante and Ware offered the following amendment which was moved by Senator de la Parte:

Amendment 11—On page 23, between lines 19 and 20, insert: a new subsection (5) to read as follows, and renumber subsequent subsections.

(5) For judicial offices the maximum allowable expenditure of funds by each candidate shall be as follows:

(a) For the office of justice of the supreme court, \$100,000 for the first nonpartisan election and \$100,000 for the second nonpartisan election.

(b) For the office of judge of the district court of appeals, \$45,000 for the first nonpartisan election and \$45,000 for the second nonpartisan election.

(c) For the office of the judge of the circuit court, \$20,000 for the first nonpartisan election and \$20,000 for the second nonpartisan election.

(d) For the office of county court judge, \$20,000 for the first nonpartisan election and \$20,000 for the second nonpartisan election.

Senator Graham moved the adoption of the following amendment to Amendment 11:

Amendment 11a—Strike “(d)” and insert: (d) For the office of county court judge for each of the first and second non partisan elections twenty five cents per registered elector for the first twenty thousand (20,000) registered electors, five cents for the next one hundred thousand (100,000) electors, and two cents per elector thereafter, based on the number of registered electors in the county in the preceding general election.

Amendment 11a failed by the following vote:

Yeas—11

Firestone	Henderson	Pettigrew	Vogt
Gordon	Lane (31st)	Poston	Winn
Graham	Myers	Stolzenburg	

Nays—24

Mr. President	Gillespie	Lewis	Smathers
Barron	Glisson	McClain	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Johnson	Plante	Ware
de la Parte	Johnston	Scarborough	Weber
Gallen	Lane (23rd)	Sims	Zinkil

Senators Gordon and Weber offered the following amendment to Amendment 11 which was moved by Senator Gordon and failed:

Amendment 11b—On page 24, line 20, add (e) In no case can any individual contribution to any judicial candidate exceed one hundred dollars (\$100.00) for each election.

Amendment 11 was adopted.

Senators de la Parte, Plante and Ware offered the following amendments which were adopted on motions by Senator de la Parte:

Amendment 12—On page 28, lines 3 and 4, strike “, advises, or participates”

Amendment 13—On page 28, lines 15-16, strike “or in support of or in opposition to any issue”

Amendment 14—On page 29, lines 16 and 17, strike “, advises, or participates”

Amendment 15—On page 31, line 2, strike “subsection” and insert: section

Amendment 16—On page 31, strike all of lines 8 through 21 and insert: the ballot for an election if the candidate or his campaign treasurer have been convicted of violating section 19 of this act

(renumber)

Amendment 17—On page 31, line 30, strike “Any candidate, campaign”

Amendment 18—On page 37, line 3-6, strike “It shall be composed of seven (7) members who shall be appointed by the secretary of state and confirmed by the Senate. Members of the commission shall elect a chairman by majority vote.” and insert: It shall be composed of seven (7) members unless the membership is increased pursuant to sub section (2) of this section six (6) of whom shall be appointed by the governor with the approval of three (3) members of the Cabinet and subject to confirmation by the Senate.

Senators de la Parte, Plante, Ware and Wilson offered the following amendments which were adopted on motions by Senator de la Parte:

Amendment 19—On page 37, line 20, strike “secretary of state” and insert: governor

Amendment 20—On page 37, line 21, strike “ten (10)” and insert: fifteen (15)

Amendment 21—On page 37, line 29, strike “four (4)” and insert: five (5)

Senators de la Parte, Plante and Ware offered the following amendments which were adopted on motions by Senator de la Parte:

Amendment 22—On page 38, line 3-5, strike “A member may be removed from the commission by affirmative vote of at least five (5) other members of the commission, and a vacancy shall occur upon removal.” and insert: The six (6) members of the commission so appointed shall by majority vote submit a list of at least three (3) names from which the governor shall appoint the chairman of the commission with the approval of three (3) members of the Cabinet and subject to confirmation by the Senate. Subsequent vacancies in the chairmanship shall be filled in the same manner as the original appointment. No member of the commission shall be a member of any county, state or national committee of a political party or an officer in any partisan political club or organization, or shall hold, or be a candidate for, any other public office. No person shall be appointed as a member of the commission who has held an elective public office or office in a political party within the year immediately preceding his appointment.

Amendment 23—On page 39, line 10 after “elections.” insert: When the results of the investigation indicate that a violation of the act has occurred the state attorney may immediately proceed with such civil and criminal actions provided by this act as are justified by the facts of the situation.

Amendment 24—On page 45, line 16, strike “or upon becoming aware of a violation from any other source”

Senators de la Parte, Plante and Ware offered the following amendment which was moved by Senator de la Parte:

Amendment 25—On page 46, line 22, strike “two (2)” and insert: four (4)

Senator Weber moved the adoption of the following substitute amendment which failed:

Amendment 26—On page 46, line 22, strike “two (2)” and insert: one (1)

Amendment 25 was adopted by the following vote:

Yeas—17

Mr. President	Gillespie	Peterson	Ware
Brantley	Gordon	Plante	Zinkil
Childers	Graham	Poston	
de la Parte	Lane (23rd)	Sykes	
Firestone	Lewis	Vogt	

Nays—9

Glisson	Scarborough	Stolzenburg	Winn
Gruber	Sims	Weber	
McClain	Smathers		

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

Senator McClain moved the adoption of the following amendment:

Amendment 27—On page 6, strike all of lines 8 through 13

On motion by Senator Barron, it was agreed by two-thirds vote that when the Senate adjourns it adjourn to reconvene at 1:30 p.m., this day.

On motion by Senator Saylor, HB 2136 was withdrawn from the Committee on Rules and Calendar by two-thirds vote and referred to the Committee on Governmental Operations.

On motion by Senator Lewis, unanimous consent was obtained to take up out of order—

HCR 1472—A concurrent resolution recognizing and congratulating Hendry County on the occasion of its fiftieth anniversary.

—which was read the second time in full. On motion by Senator Lewis HCR 1472 was adopted and certified to the House. The vote was:

Yeas—28

Mr. President	Gillespie	McClain	Stolzenburg
Barron	Glisson	Peterson	Trask
Brantley	Gruber	Plante	Vogt
Childers	Henderson	Poston	Ware
Deeb	Johnston	Saylor	Wilson
de la Parte	Lane (23rd)	Sims	Winn
Firestone	Lewis	Smathers	Zinkil

Nays—None

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:01 p.m. to reconvene at 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:30 p.m. A quorum present—34:

Barron	Gordon	Peterson	Vogt
Brantley	Graham	Plante	Ware
Childers	Gruber	Poston	Weber
Deeb	Henderson	Saunders	Williams
de la Parte	Johnson	Saylor	Wilson
Firestone	Johnston	Sims	Winn
Gallen	Lane (31st)	Smathers	Zinkil
Gillespie	Lane (23rd)	Stolzenburg	
Glisson	Lewis	Sykes	

On motion by Senator Saylor SB 1356 was recalled from enrolling.

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

SB 1356—A bill to be entitled An act relating to Pinellas County; providing for the repeal of chapter 71-857, Laws of Florida; providing for the issuance of countywide occupational licenses; providing for their sale by the county tax collector; establishing fees to be charged; providing for the distribution to the county and municipalities of proceeds received on a pro rata formula basis and for a year-to-year revision of such formula; providing for the invalidity of license when failing to properly register; providing for penalties and revocation of said license if obtained by fraudulent or misleading information or engaging in fraudulent business practices; providing for delinquency penalties and half-year fees; establishing the Pinellas County Construction Licensing Board; providing definitions; providing for membership terms, powers, duties, jurisdiction and functions of the board; providing for fees; providing for examination committees, and the membership and duties of such committees; providing for the classification, registration, examination and certification of contractors; providing for the registration and certification of contracting partnerships, corporations or other legal entities; designating prohibited activities; providing for disciplinary action by the board; providing penalties, providing exemptions; providing an effective date.

—passed on May 25.

On motions by Senator Sayler the following amendments were adopted by two-thirds vote:

Amendment 1—On page 41, line 4, strike entire line and insert: Section 16, Chapter 71-857, Laws of Florida, except section 7 as amended by chapter 72-658, Laws of Florida, and

Amendment 2—On page 1, line 5, strike entire line and insert: providing for the repeal of chapter 71-857, Laws of Florida, except section 7 as amended by chapter 72-658, Laws of Florida;

On motion by Senator Sayler, SB 1356 as amended was read by title, passed and certified to the House. The vote was:

Yeas—27

Mr. President	Glisson	Peterson	Vogt
Barron	Gordon	Poston	Ware
Brantley	Gruber	Sayler	Weber
Childers	Johnston	Sims	Wilson
Deeb	Lane (23rd)	Smathers	Winn
de la Parte	Lewis	Stolzenburg	Zinkil
Firestone	McClain	Trask	

Nays—None

By unanimous consent Senators Graham and Henderson were recorded as voting yea.

REPORTS OF COMMITTEES

Senator Mallory E. Horne
President, The Florida Senate
The Capitol
May 29, 1973

Dear Mr. President:

Your Standing Committee on Governmental Operations to whom was referred for inquiry and recommendation the following appointments subject to confirmation by the Senate:

NAME	OFFICE	FOR TERM ENDING
Norman D. Artman Key West	Member, Historic Key West Preservation Board of Trustees	October 31, 1974
Glenn A. Bennett Key West	Member, Historic Key West Preservation Board of Trustees	November 29, 1976
Mary Lee Graham Key West	Member, Historic Key West Preservation Board of Trustees	October 17, 1975
Reta F. Sawyer Key West	Member, Historic Key West Preservation Board of Trustees	October 18, 1976

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

Respectfully submitted,

J. H. WILLIAMS, <i>Chairman</i>	KENNETH PLANTE
RICHARD A. PETTIGREW, <i>Vice Chairman</i>	HENRY SAYLER
DEMPSEY J. BARRON	BRUCE A. SMATHERS
RICHARD J. DEEB	JOHN T. WARE
GEORGE FIRESTONE	LORI WILSON
	WILLIAM G. ZINKIL

On motion by Senator Poston, the report of the Committee was adopted, and the Senate in open session advised and consented to and approved the appointments set forth in the foregoing report. The vote was:

Yeas—26

Mr. President	Glisson	Peterson	Ware
Brantley	Gordon	Poston	Weber
Childers	Gruber	Sayler	Wilson
Deeb	Johnston	Sims	Winn
de la Parte	Lane (23rd)	Smathers	Zinkil
Firestone	Lewis	Stolzenburg	
Gillespie	McClain	Vogt	

Nays—None

By unanimous consent Senators Graham and Henderson were recorded as voting yea.

On motion by Senator Barron, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 30, 1973

I am directed to inform the Senate that the House of Representatives has receded from House amendment to Senate amendment; has concurred in Senate amendment and has passed as further amended HB 178.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 30, 1973

I am directed to inform the Senate that the House of Representatives has passed SB 876, SB 1340, SB 343, SB 150, SB 982, CS for SB 277, SB 167, SB 1271, SB 1305, SB 1306.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 30, 1973

I am directed to inform the Senate that the House of Representatives has adopted SCR 980, SM 795.

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable Mallory E. Horne, President May 30, 1973

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety on—

By the Committee on Environmental Protection and Representative Andrews—

CS for HB 979—A bill to be entitled An act relating to the land sales industry; amending paragraph (b) of subsection (1) of section 478.121, Florida Statutes, to require that lands offered for registration be platted; providing an effective date.

and has passed as amended by the Conference Committee Report. (Conference Committee amendments attached to original bill.)

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

By direction of the President, the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for HB 979

The Honorable Mallory E. Horne
President of the Senate
Tallahassee, Florida
May 29, 1973

The Honorable T. Terrell Sessums
Speaker, House of Representatives

Sirs:

Your conference committee on the disagreeing votes of the two houses on CS/HB 979, same being:

An act relating to the land sales industry; amending paragraph (b) of subsection (1) of section 478.121, Florida Statutes, to require that lands offered for registration be platted; providing an effective date.

having met, and after full and free conference, do recommend to their respective Houses as follows:

1. That the Senate recede from amendments number 3, 6, 7, 8 and 11.
2. That the Senate and House of Representatives adopt the conference committee amendments attached hereto and by reference made a part of this report.

<p>ALAN TRASK LOUIS de la PARTE WARREN S. HENDERSON D. ROBERT GRAHAM Managers on the part of the Senate</p>	<p>BILL ANDREWS MURRAY H. DUBBIN J. K. TILLMAN MARSHALL S. HARRIS Managers on the part of the House of Representatives</p>
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Conference Committee Amendment 1—

On page 1, strike everything after the enacting clause and insert the following:

Section 1. Paragraph (b) of subsection (1) of Section 478.121, Florida Statutes, is amended and new paragraphs (c), (d), (e), and (f) of said subsection are created to read:

(Substantial rewording of paragraph. See Section 478.121 (1) (b), Florida Statutes, for present text.)

478.121 Application for registration.—

(1) The application for registration of subdivided lands shall be filed as prescribed by the division's rules and shall contain such of the following documents and information as may be required by the division:

(b) If the subdivided lands offered for registration are located within this state, a proposed plat shall be recorded prior to the sale of any lands which plat meets the criteria required by applicable law or ordinance, and a showing shall be made of the relation of the subdivided lands to existing streets, roads and other off-site improvements;

(c) If the subdivided lands offered for registration are located outside the state, a legal description of such lands shall be shown, together with a map showing the division proposed or made, and the dimensions of the lots, parcels, units and interests, and a showing shall be made of the relation of the subdivided lands to existing streets, roads and other off-site improvements;

(d) As to lands within this state a showing shall be made that such lands meet or will meet at the time specified by the local governing bodies all requirements of the local governing bodies in effect on the date of registration including but not limited to public roads and streets, drainage, telephone and electric utilities, domestic water supply and sanitary sewage disposal.

(e) Notwithstanding paragraphs (b) and (d) of this subsection, for lands within this state that are subdivided in lots or parcels that are larger than the maximum size lot for which subdivision improvements are required by local ordinance, special act or general act of local application, the subdivider shall be required to comply on the date of registration only with the applicable provisions of chapter 177, Florida Statutes.

(f) Notwithstanding paragraph (e) of this subsection, as to subdivisions or subdivided lands located within this state required to be registered under this chapter in which the minimum size lot or parcel is two and one-half (2½) acres or less a showing shall be made that the access road to and all streets within the subdivision or subdivided lands will be traversable by conventional automobile pursuant to specifications adopted by the appropriate local governing body acceptable to the division and arrangements acceptable to the division have been made for their permanent maintenance, taking into account the use for which the land is offered for sale and the requirements of the local governing body.

Section 2. Section 478.121, Florida Statutes, is amended by adding subsections (4) and (5) to read:

478.121 Application for registration.—

(4) If the subdivided lands, or any portion thereof, are subject to the permit requirements of chapter 253, Florida Statutes,

the subdivider shall, prior to the entry of an order, pursuant to section 478.25 (2), Florida Statutes, registering the subdivided lands, furnish evidence satisfactory to the division that all permits required by the terms of chapter 253, Florida Statutes, have been obtained. It is provided, however, that all permits required by this subsection shall be issued for an initial period of time which shall terminate not earlier than the scheduled completion date of the promised improvements for the subdivided lands being filed for registration, but in no event shall such permits be for a term longer than five (5) years from the date of issuance. The five (5) year period shall commence upon receipt by the applicant of all governmental authorizations, state and Federal, including such certification from the department of pollution control under chapter 403, Florida Statutes, as may be required for the promised improvements. Extensions of the permits referred to herein shall be governed by the provisions of chapter 253, Florida Statutes.

(5) If the subdivided lands, or any portion thereof, are subject to certification requirements of the Federal Water Pollution Control Act (PL 92-500), the subdivider shall, prior to the entry of an order, pursuant to section 478.25(2), Florida Statutes, registering the subdivided lands, furnish evidence satisfactory to the division that state certificates required by the Federal Water Pollution Control Act have been obtained.

Section 3. Section 478.25, Florida Statutes, is amended by adding subsection (4) to read:

478.25 Notice of filing and registration.—

(4) (a) Notwithstanding the provisions of subsections (4) and (5) of section 478.121, Florida Statutes, the land sales division shall enter an order registering subdivided lands, which are otherwise qualified for registration, pursuant to this act, when the applicant submits evidence that he has applied for the permits required by chapter 253, Florida Statutes, and certifications required by chapter 403, Florida Statutes, the Federal Water Pollution Control Act (PL 91-500), and the administrative rules and regulations of the state of Florida department of pollution control, and the state agency charged with the responsibility of issuing such permits or certifications, has failed within one hundred twenty (120) days of the filing of the applications, either:

1. To issue such a permit or certification; or,

2. To issue a denial of such application without setting forth in writing the regulations, guidelines, and criteria or standards used in evaluating the application; the reasons for denial and the regulations, guidelines and criteria the application fails to satisfy; and, the action the applicant would have to take to satisfy the agency's permit or certification requirements.

(b) Any subdivider who is issued an order of registration under this subsection shall be required to show in its public offering statement, in a manner prescribed by the division, that it has not been granted the necessary permit, certification or other authorization which must be granted prior to the construction of a specified improvement.

Section 4. (a) This act is enacted by the legislature as a remedial measure and shall take effect July 1, 1973.

(b) The requirements imposed by section 1 of this act shall become applicable on January 1, 1975, with respect to any unplatted subdivision or subdivided lands for which the division has granted a registration prior to July 1, 1973. The registrant of any such unplatted subdivision or subdivided lands shall have until January 1, 1975, within which to provide the affirmative showing herein required, without additional registration of the subdivision or subdivided lands. The registration of any unplatted subdivision or subdivided lands for which the affirmative showing herein required is not made by January 1, 1975, as herein provided shall be cancelled by the division and shall be of no further force or effect. Provided, however, any lots or parcels within any such unplatted subdivision that were sold or for which contracts for sale were entered into prior to January 1, 1975, may be excluded from the plat of such subdivision required by this act. Provided further, the requirements of section 1 of this act shall not apply to lots or parcels sold to bona fide purchasers prior to July 1, 1973, and reacquired subsequent to July 1, 1973, by the original subdivider, his successors, or assigns.

(c) Sections 2 and 3 of this act shall take effect on October 1, 1973.

Section 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Conference Committee Amendment 2—On page 1, strike the title and insert:

A bill to be entitled An act relating to the land sales industry; amending paragraph (b) and creating new paragraphs (c), (d), (e) and (f) of subsection (1) of section 478.121, Florida Statutes, to require that certain lands offered for registration be platted and a showing made that local requirements as to certain utilities and improvements will be met by a time specified by the local governing body; providing for certain lot size exemptions to the requirement for showing of access roads and streets; amending section 478.121, Florida Statutes, by adding subsections (4) and (5), providing that all permits required under chapter 253, Florida Statutes, and certificates under chapter 403, Florida Statutes, be obtained prior to sale of subdivided lands and for extending length of permits under chapter 253, Florida Statutes, for not longer than (5) years; amending section 478.25, Florida Statutes, by adding subsection (4) providing that upon failure of the state to act upon applications filed pursuant to subsections (4) and (5) of section 478.121, Florida Statutes, within one hundred twenty (120) days of the filing of the application, the land sales division shall enter an order registering the subdivided lands for sale; setting forth the form of agency action required; providing severability; providing an effective date.

On motion by Senator Trask the report of the Conference Committee was adopted and CS for HB 979 passed as recommended. The vote was:

Yeas—26

Mr. President	Gordon	Poston	Vogt
Childers	Gruber	Sayler	Weber
Deeb	Johnston	Scarborough	Wilson
de la Parte	Lane (23rd)	Sims	Winn
Firestone	Lewis	Smathers	Zinkil
Gillespie	McClain	Stolzenburg	
Glisson	Peterson	Trask	

Nays—None

By unanimous consent Senators Graham and Henderson were recorded as voting yea.

President: For what purpose does Senator Myers rise?

Senator Myers: Some statement of intent should be adopted and written into the journal, based upon a question posed to Senator Graham and his response to me concerning the intent of the conference committee and the legislature on CS for HB 979, in excluding from the regulatory provisions of this act relating to permitting or any relationship to sewerage facilities.

President: Senators, with respect to the adoption of that last conference committee report relating to the platting, etc., of lands for sale in Florida, Senator Myers, from the floor when the bill passed initially, posed a question concerning its effect on the planning with respect to the development of sewerage and other facilities, and Senator Graham responded. Now Senator Myers desires that the journal reflect that response as a statement of intent, its impact on your decision, and its formal adoption by you as to intent. If you disagree, if the statement does not fully reflect your intent, you should make it known now.

Senator Myers: Senator Graham, would you clearly establish for us, as a matter of the legislative intent, that CS for HB 979 (on which the conference committee has reported favorably and that the Senate has unanimously passed today) did not include within its permitting requirements as a precondition for registration any requirements with respect to the installation, construction or development of sewage treatment facilities or related sewage treatment systems. The reason why I am asking this is that there has been some question or concern as to the thrust or intent of the preconditioned permitting requirements and its applicability to this part of development; and the reason I wanted to ask you is that I am certain that you did not intend to include these since they are regulated in other areas of the law.

Senator Graham: Mr. President, Senators, the issue of sewerage permits is dealt with in subsection 5 of section 2, relating to the requirement of permitting under the Federal Water Pollution Control Act Public Law 92.500. The answer to your question is that this act does not relate to or impose any sewerage requirements but is limited in its application to the quality of water in, for instance, an area of submerged land. There is another provision that relates to a variety of types of improvements which is in section 1, subsection 1(d), which provides that at the time the property is registered it must meet the requirements of local governing bodies in effect, including but not limited to public roads, streets, drainage, telephone and electric utilities, domestic water supply and sanitary sewage disposal, but those are the same requirements which are currently being required by local government. So the answer to your question is there have been no additional requirements as it relates to sewerage imposed by the passage of this legislation.

Whereupon the foregoing exchange between Senators Myers and Graham was, by motion, duly adopted as a statement of legislative intent upon which the action was conditioned.

The Honorable Mallory E. Horne, President May 29, 1973

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

By Representative J. W. Robinson and others—

HB 2090—A Bill to be Entitled An act relating to Brevard County; authorizing the Board of County Commissioners of Brevard County, Florida, to pay additional compensation to L. A. Tindall for past service rendered; providing an effective date.

Proof of Publication attached.

By Representative Rish—

HB 2196—A bill to be entitled An act relating to Liberty County; creating the Lake Mystic recreational district; creating the Lake Mystic recreational board; providing for membership; providing providing for powers and duties; providing for hearings; providing that the county commissioners of Liberty County may adopt an ordinance or code accomplishing the goals of this act, and in such event the act shall be null and void; providing an effective date.

Proof of Publication attached.

By Representative Sessums and others—

HB 2186—A bill to be entitled An act relating to Hillsborough County; providing for the appointment of an administrator by the board of county commissioners; setting out the qualifications, duties, authority, and compensation of the administrator; providing an effective date.

Proof of Publication attached.

By Representatives Mooney and Fecht—

HB 2135—A bill to be entitled An act relating to Seminole County, Fred R. Wilson Memorial Law Library; authorizing the imposition of an excess service charge for filing a civil action in the circuit court, to provide and maintain the law library pursuant to §28.241, Florida Statutes; providing for the collection, disbursement, and management of said funds; providing an effective date.

Proof of Publication attached.

By Representative Spicola and others—

HB 2166—A bill to be entitled An act relating to Hillsborough County; creating a Tampa-Hillsborough County Sanitation Study Commission; providing the composition and duties of the commission; providing for a report of findings and recommendations; providing for cooperation by other agencies with the commission; providing an effective date.

Proof of Publication attached.

By Representative Fortune and others—

HB 2157—A bill to be entitled An act relating to Santa Rosa County; declaring the establishment and maintenance of a coun-

ty law library to be a public need; creating a law library board and providing for its membership, powers, and functions; creating a special fund and providing for the funding of the law library through the collection of additional charges for each civil and probate case filed in the circuit court and county court of Santa Rosa County and available county funds; providing for a librarian; providing for the acquisition, disposal of library property; providing free copies of certain state legal materials; repealing all laws or parts of laws in conflict with this act; providing an effective date.

Proof of Publication attached.

By Representative Mattox and others—

HB 2025—A bill to be entitled An act to abolish the present municipality of the City of Winter Haven, Polk County, Florida, and to establish, organize and constitute a municipality to be known and designated as the City of Winter Haven, Florida, and define its territorial boundaries and to provide for its jurisdiction, powers and privileges and to authorize the said City of Winter Haven, Florida to enforce the ordinances of said City; providing for a referendum; providing for an effective date.

Proof of Publication attached.

By Representative Grosse—

HB 2152—A bill to be entitled An act relating to Nassau County; authorizing the tax collector or private persons appointed by him to operate branch offices of the auto tag agency in Nassau County to issue motor vehicle license tags and title certificate applications; providing for service charges to defray branch operations; providing an effective date.

Proof of Publication attached.

By Representative Jones and others—

HB 2114—A bill to be entitled An act to abolish the present municipality of the City of Lake Alfred, Polk County, Florida, and to re-create and re-establish a municipal corporation to be known as the City of Lake Alfred, in Polk County, Florida; to subscribe the form of government and confer certain powers, privileges, immunities, and the means for exercising the same; to repeal or amend all laws in conflict herewith; providing for a referendum; and to provide an effective date hereof.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

Evidence of notice and publication was established by the Senate as to House Bills 2090, 2196, 2186, 2135, 2166, 2157, 2025, 2152 and 2114.

HB 2090, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

House Bills 2196, 2186, 2135, 2166, 2157, 2025, 2152 and 2114, contained in the above message, were read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Mallory E. Horne, President May 30, 1973

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

By the Committee on Community Affairs and Representative Holloway—

CS for HB 548—A bill to be entitled An act relating to planning and zoning; requiring that the appropriate planning authority be notified of building permit and zoning change applications; requiring recommendations to local or state government regarding any anticipated increase in traffic; providing an effective date.

By the Committee on Commerce and Representative MacKay—

CS for HB 1765—A bill to be entitled An act relating to apprenticeship; amending §446.011, Florida Statutes, declaring legislative intent; amending §446.021, Florida Statutes, providing definitions; amending §446.031, Florida Statutes, specifying membership and duties of apprenticeship council and duties of the division of labor and employment opportunities; amending §446.041, Florida Statutes, defining duties of bureau of apprenticeship and department of commerce; amending §446.052, Florida Statutes, establishing a preapprenticeship educational program in the public school system; amending §446.071, Florida Statutes, providing duties and standards for apprenticeship sponsors; amending §446.091, Florida Statutes, to expand responsibilities of the bureau of apprenticeship for on-the-job training; amending §446.101, Florida Statutes, by adding subsection (5) to provide for the assessment of a civil penalty by the division of labor and employment opportunities against any contractor or supplier that violates the provisions of §446.101, Florida Statutes; amending §446.101, Florida Statutes, providing additional definitions and expanding the applicability of §446.101, Florida Statutes, to on-the-job training; providing an effective date.

By the Committee on Criminal Justice and Representative Tillman—

CS for HB 768—A bill to be entitled An act relating to worthless checks and drafts; amending subsection (2)(b) of section 832.05, Florida Statutes, relating to worthless checks penalty; amending subsection (4) of §832.05, Florida Statutes, providing for payment as a defense; amending subsection (7) of §832.05, Florida Statutes, providing for assessment of costs if suit is dismissed; providing an effective date.

By the Committee on Business Regulation and Representative Hector—

CS for HB 231—A bill to be entitled An act relating to the department of legal affairs; providing definitions; providing for an administrative penalty; establishing standards and placing requirements and limitations on contracts for health studio services; limiting the negotiability of evidence of indebtedness of such contracts and the assignment of such contracts; providing for a monetary ceiling on health studio contracts; regulating the length of time a health studio contract may cover; prohibiting waiver by the buyer of the provisions of this act; providing a penalty; providing for an assurance of voluntary compliance; providing a civil and criminal remedy; providing for a bond; providing for an escrow account; providing for the use of injunctions; providing for exemptions; providing for the adoption of rules and regulations by the department of health and rehabilitative services; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB 548, contained in the above message, was read the first time by title and referred to the Committee on Transportation.

CS for HB 1765, contained in the above message, was read the first time by title and referred to the Committee on Governmental Operations.

CS for HB 768, contained in the above message, was read the first time by title and referred to the Committee on Criminal Justice.

CS for HB 231, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Mallory E. Horne, President May 29, 1973

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

By the Committee on General Legislation—

HB 2106—A bill to be entitled An act relating to the alcoholic beverage laws; amending section 565.10, Florida Statutes,

1972 Supplement, to include the provision that certain spirituous beverages may be offered for sale in containers other than those specified by law, providing an effective date.

By the Committee on Criminal Justice and Representative Martinez and others—

CS for HB 1796—A bill to be entitled An act relating to airports; providing for the sheriff of the county to provide police services at certain nonmunicipal airports regularly serving scheduled air carriers holding certificates of public convenience and necessity; providing exceptions; excluding from the provisions of this act any airport owned, operated or controlled by a municipality, and also excluding from the provisions of this act any airport located in more than one county; providing legislative intent; providing for the sheriff to charge any airport operator to whom this act applies, for providing such police services; providing that such police service revenues collected by the sheriff be deposited in the general fund of the county; providing that the sheriff may amend his budget for reimbursement of the costs of providing such airport police services; providing an effective date.

By the Committee on Appropriations and the Committee on Natural Resources and Representative Fulford and others—

CS for CS for HB 1368—A bill to be entitled An act relating to coastal mapping of Florida; providing definitions; providing powers and duties of the department of natural resources; providing a comprehensive and continuous program of coastal boundary mapping which will permit accurate surveys; providing standards for establishment of local tidal datums and methods of determining mean high-water and mean low-water lines; providing for admissibility as evidence; providing for severability; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 2106, CS for HB 1796 and CS for CS for HB 1368, contained in the above message, were read the first time by title and placed on the calendar.

The Honorable Mallory E. Horne, President May 29, 1973

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

By Representative Williamson—

HB 318—A bill to be entitled An act relating to elevators; prohibiting smoking or the igniting of flame in any elevator in the state; providing a penalty; adding subsection (8) to §399.07, Florida Statutes, 1971, to require that all elevator certificates contain a warning of the provisions of this act; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 318, contained in the above message, was read the first time by title and referred to the Committee on Commerce.

The Honorable Mallory E. Horne, President May 29, 1973

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

By Representative Hodes and others—

HB 447—A bill to be entitled An act relating to emergency medical services; providing legislative intent; providing definition; establishing a grant program to be administered by the department of health and rehabilitative services; providing procedures and conditions; providing an effective date.

By the Committee on Health & Rehabilitative Services and Representatives J. C. Thomas and Kutun—

HB 2161—A bill to be entitled An act relating to the division of retardation; amending subsection 393.01(2) and section

393.11, Florida Statutes, to provide for voluntary and involuntary admissions to residential programs; transferring section 393.031, Florida Statutes, and amending section 393.021, Florida Statutes, to provide for application for services to be made to the department of health and rehabilitative services and examinations by an evaluation team; amending section 393.04, Florida Statutes, to limit the department of health and rehabilitative services guardianship of residents to those incompetent or under the statutory age of majority and with no available alternative guardian, amending section 393.12, Florida Statutes, to provide for the issue of competency to be a separate and distinct determination and not a presumption of admission; providing for validation of prior admissions within ninety (90) days; amending section 393.05, Florida Statutes, providing discharge after admission to residential care, and after criminal or juvenile commitment; providing severability; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 447, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

HB 2161, contained in the above message, was read the first time by title and placed on the calendar.

The Honorable Mallory E. Horne, President May 29, 1973

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

By the Committee on Appropriations and Representative Mixson—

CS for HB 1554—A bill to be entitled An act relating to state officers and employees; authorizing a group health insurance program; amending subsection (2), (7), and (8) of section 112.075, Florida Statutes, and adding a new subsection (10); including personnel employed for eight (8) months or more; providing for promulgation of administrative rules; providing for the deposit of interest and funds in the general revenue fund; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB 1554, contained in the above message, was read the first time by title and placed on the calendar.

The Honorable Mallory E. Horne, President May 30, 1973

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

By the Committee on General Legislation and Representative Sessums—

HCR 2026—A concurrent resolution honoring Gloria Jahoda of Tallahassee, author of "River of the Golden Ibis," "The Other Florida," and other works of literature depicting the history and culture of the State of Florida.

—and request the concurrence of the Senate therein.

Allen Morris, Clerk

HCR 2026, contained in the above message, was read the first time and placed on the calendar.

SPECIAL ORDER

The Senate resumed—

CS for HB 466—A bill to be entitled An act relating to elections; regulating campaign finances; providing definitions; requiring designations of campaign treasurers and depositories; regulating certain political committees; establishing certification of committees of continuous existence and requiring certain reports of such committees; providing for reports and records by candidates and committees; providing limitations and restrictions on contributions and expenditures; establishing pro-

cedures for certain expenditures; providing civil and criminal penalties for violations; providing powers and duties of the division of elections of the department of state; creating a state elections commission and providing for its membership, powers, duties, and procedures; providing for hearings by such commission; providing powers and duties of the attorney general; providing limitations on certain actions; requiring reports by political parties; repealing §99.161, F.S., relating to the regulation of campaign finances; repealing §99.183, F.S., relating to the preservation of certain records; repealing §104.27, F.S., relating to violations of certain statutes; providing an effective date.

—with pending amendment 27, which was withdrawn.

Senators McClain and de la Parte offered the following amendments which were adopted on motions by Senator McClain:

Amendment 28—On page 6, lines 10 and 11, strike “four (4)” and insert: six (6)

Amendment 29—On page 24, line 6, strike “four (4)” and insert: six (6)

On motion by Senator de la Parte the following amendment was adopted:

Amendment 30—On page 24, line 7, strike “do not require prior candidate approval nor are” and insert: are not

Senators McClain and de la Parte offered the following amendments which were adopted on motions by Senator McClain:

Amendment 31—On page 39, line 23, between the words “for” and “state” insert: federal,

Amendment 32—On page 38, line 21, between the words “for” and “state” insert: and federal,

Amendment 33—On page 32, lines 23 through 26, strike “Such penalty shall be in addition to the penalties provided by subsection (1) and (2) of this section and shall be paid into the general revenue fund of this state.” and insert: Such penalty may be in addition to the penalties provided by subsection (1) of this section and shall be paid into the general revenue fund of this state.

Amendment 34—On page 45, line 15, add a new subsection (2)

(2) If the commission determines that probable cause exists to believe a violation of this act has occurred by a candidate for the office of attorney general, the commission shall immediately transmit such determination to the state attorney in the circuit in which the violation occurred for disposition pursuant to this section. The commission and the secretary of state shall forthwith transmit to the state attorney in the circuit in which the violation occurred all available information concerning the alleged violation.

(Renumber subsequent subsections)

On motion by Senator McClain the following amendment was adopted:

Amendment 35—On page 14, line 24, before the word “Failure” insert: Wilful

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

Amendment 36—On page 24, line 10, add a new section 11

Section 11. Certain persons prohibited from making contributions.—No person holding a pari-mutuel permit for horse racing of any kind, dog racing, or a jai alai fronton; no member of an unincorporated association holding such a permit; no officer, director, or supervisory employee of a corporation holding such a permit; and no trustee authorized by trust agreement to vote stock in such a corporation when such stock is owned by person or persons sui juris shall make, directly or indirectly, any contribution of any nature to any political party or to any candidate for nomination for, or election to, political office in this state.

(Renumber subsequent sections)

Senator McClain moved the adoption of the following amendment:

Amendment 37—On page 31, line 1, add new subsections (4) and (5):

(4) No person or public office holder in the furtherance of his candidacy for nomination or election for public office in any election shall use any state-owned aircraft as provided in chapter 287, Florida Statutes.

(5) No person or public office holder in the furtherance of his candidacy for nomination or election for public office in any election shall use the services of any officer or employee of the state.

(Renumber subsequent subsections)

On motion by Senator Ware the following amendment to Amendment 37 was adopted:

Amendment 37a—After the period in (5) insert: during working hours.

Amendment 37 as amended was adopted.

On motion by Senator McClain the following amendment was adopted:

Amendment 38—On page 32, line 4, following the word “knowingly” insert: and willfully

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

Amendment 39—On page 6, lines 8 through 13 strike all

The vote was:

Yeas—11

Barron	Gruber	Plante	Weber
Childers	Henderson	Sayler	Wilson
Glisson	Johnson	Ware	

Nays—21

Mr. President	Graham	Pettigrew	Vogt
de la Parte	Johnston	Poston	Winn
Firestone	Lane (31st)	Scarborough	Zinkil
Gallen	Lane (23rd)	Sims	
Gillespie	Lewis	Smathers	
Gordon	Peterson	Trask	

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

Amendment 40—On page 8, line 19, strike all of Section 4 and renumber. The vote was:

Yeas—12

Gallen	Johnson	Pettigrew	Sykes
Glisson	Lane (31st)	Plante	Ware
Gruber	McClain	Sayler	Weber

Nays—18

Mr. President	Firestone	Lewis	Wilson
Barron	Gillespie	Peterson	Winn
Brantley	Gordon	Poston	Zinkil
Childers	Graham	Sims	
de la Parte	Lane (23rd)	Vogt	

On motion by Senator Weber the following amendment was adopted:

Amendment 41—On page 38, line 9, strike “rum and the votes of a two-thirds” and insert: rum and the votes of two-thirds

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

Amendment 42—On page 47, line 26, strike “exceeding those”

On motion by Senator Lewis the following amendment was adopted:

Amendment 43—On page 23, line 25, after the word “election” insert: provided however, that a legitimate expenditure made by a candidate during either the first or second primary of a campaign which produces a continuing benefit to the candidate

through the general election and which by its nature is not capable of allocation among the primary elections and the general election shall not be considered an expenditure in excess of the limit provided by this act.

On motions by Senator Plante the following amendments were adopted:

Amendment 44—On page 2, between lines 17 and 18, insert new paragraph (d) and re-number subsequent subsections. (d) The endorsement or support by any communications media.—The value of endorsement or support by any newspaper or magazine shall be determined by the cost per column inch of advertisement in said newspaper or magazine. The value of an endorsement by any radio or television station shall be determined by the actual cost of purchasing advertising time at such radio or television facilities. No endorsement may be given without the written consent of the candidate.

Amendment 45—On page 2, line 11 strike "or issue;" and insert: and including the endorsement of any candidate or group of candidates by any type of communication media.

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

Amendment 46—On page 1, lines 19 through 23 strike all of lines 19, 20, 21, 22 and the word "act" on line 23

The vote was:

Yeas—8

Firestone	Gordon	Smathers	Weber
Glisson	Henderson	Ware	Wilson

Nays—22

Mr. President	Gallen	McClain	Sims
Barron	Gillespie	Myers	Vogt
Brantley	Graham	Peterson	Winn
Childers	Lane (31st)	Plante	Zinkil
Deeb	Lane (23rd)	Poston	
de la Parte	Lewis	Scarborough	

By unanimous consent Senator Gruber was recorded as voting nay.

On motions by Senator Gordon the following amendments were adopted:

Amendment 47—On page 29, strike lines 25 through 31 and insert: (1) No person or corporation within the state, publishing a newspaper or other periodical, or operating a radio or television station or network of stations in Florida, shall charge a candidate for state or county public office for political advertising or for political broadcasts, a rate in excess of the lowest local rate available to advertisers otherwise qualifying for maximum frequency discounts, bulk discounts and advertising packages, including any cash discounts allowed; nor shall such a person or corporation charge one political candidate in a county a higher rate than another political candidate; and no candidate or political committee shall pay for political advertising or broadcasts any rate or charge in excess of the lowest local rate available to advertisers otherwise qualifying for maximum frequency discounts, bulk discounts and advertising packages, including any cash discounts allowed.

Amendment 48—On page 48, line 2, following "104.27," insert: and 104.372, 1972 Supplement, as amended by section 1 of chapter 72-106, Laws of Florida,

On motion by Senator Wilson the following amendment was adopted:

Amendment 49—On page 19, line 18, strike period after "elections" and insert: or election time segments whether or not the candidate has opposition in the respective elections.

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

Amendment 50—On page 22, lines 26 and 29, strike "\$250,000" and "\$350,000" and insert: on line 26, \$500,000.00 and on line 29, \$500,000.00.

The vote was:

Yeas—11

Deeb	Johnston	McClain	Vogt
Gallen	Lane (31st)	Plante	Ware
Glisson	Lane (23rd)	Sims	

Nays—17

Mr. President	Gillespie	Peterson	Winn
Brantley	Gordon	Poston	Zinkil
Childers	Graham	Saunders	
de la Parte	Lewis	Smathers	
Firestone	Myers	Wilson	

On motion by Senator Gallen the following amendment was adopted:

Amendment 51—On page 10, strike all of lines 15 through 18—subsection (a)—and renumber all succeeding subsections accordingly

Senator Ware moved that the Senate reconsider the vote by which Amendment 51 was adopted this day and the Senate reconsidered.

The question recurred on the adoption of Amendment 51, which failed.

Senators Ware and Barron offered the following amendment which was adopted on motion by Senator Ware:

Amendment 52—On page 36, between lines 28 and 29, insert: The division of elections shall provide advisory opinions when requested by any candidate or political party relating to any provisions or possible violations of this act. Any person or political party acting in good faith upon such an advisory opinion shall not be subject to any criminal penalty provided for in this act.

On motion by Senator Ware the following amendment was adopted:

Amendment 53—On page 23, line 20, insert: New subsection (5)

(5) For the offices of state attorneys and public defenders the maximum allowable expenditure of funds by each candidate shall be \$25,000 for the first primary, \$15,000 for the second primary, and \$25,000 for the general election.

And renumber succeeding sections.

Senator Johnston moved that the Senate reconsider the vote by which Amendment 26 failed and the Senate reconsidered. Further consideration of the amendment was temporarily deferred.

Senator Plante moved that the Senate reconsider the vote by which Amendment 25 was adopted. The Senate reconsidered and the amendment failed.

The question recurred on the adoption of Amendment 26 which failed.

On motion by Senator Ware the following amendment was adopted:

Amendment 54—On page 23, line 13, after "office" insert: and state attorneys and public defenders

Senators de la Parte and Plante offered the following amendment which was adopted on motion by Senator de la Parte:

Amendment 55—On page 48, line 3, insert new Section 30:

Section 30. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

(Renumber)

On motion by Senator Plante the following amendment was adopted:

Amendment 56—On page 2, line 11, after "committee." insert: or issue

On motion by Senator Glisson the following amendment was adopted:

Amendment 57—On page 48, line 2, add new Section 31: Nothing in this Act shall prohibit the Attorney General, Division of Elections or the Elections Commission from performing any duty, investigation or prosecution mandated or allowed by this act as relates to political parties by Chapter 103 when they are in violation of this act.

(Renumber subsequent Section)

On motion by Senator de la Parte the following amendment was adopted:

Amendment 58—On page 11, line 16, strike "suppoat" and insert: "support"

On motion by Senator Ware the following amendment was adopted:

Amendment 59—On page 45, between lines 11 and 12 insert: If the alleged violation involves a candidate for state, legislative or judicial office or political committee or a committee of continuing existence supporting such a candidate or a committee advocating the acceptance or rejection of an issue to be voted upon in a statewide election, the attorney general is authorized to initiate legal action.

If the alleged violation involves a candidate for any other office chosen at an election, any political committee or committee of continuing existence supporting such a candidate or a committee advocating the acceptance or rejection of an issue voted upon on less than a statewide basis, the elections commission shall determine whether legal action in criminal proceedings should be taken by the attorney general or by the state attorney and shall forward all relevant material to that office for further legal action. All civil actions shall be handled by the attorney general.

On motion by Senator Ware the following amendment was adopted:

Amendment 60—On page 40, between lines 16 and 17, insert: The commission is specifically required to consider any allegation relating to any currently serving public official regarding his utilization of public or private funds to further his future candidacy prior to the time period prescribed in Section 15 of this act, or regarding any violations of paragraphs 1 (a), (b), (d), and (e) of Section 19 of this act.

The vote was:

Yeas—20

Mr. President	Glisson	Plante	Sykes
Barron	Gruber	Poston	Ware
Childers	Henderson	Scarborough	Weber
Deeb	Johnson	Smathers	Wilson
Firestone	Myers	Stolzenburg	Winn

Nays—13

Brantley	Lane (31st)	Pettigrew	Zinkil
de la Parte	Lewis	Sims	
Gordon	McClain	Trask	
Graham	Peterson	Vogt	

On motion by Senator Gordon, the following title amendment was adopted:

Amendment 61—On page 2, line 1, after the semi-colon insert: repealing §104.372, Florida Supplement, as amended by chapter 72-106, Laws of Florida, relating to rates charged by communications media;

On motion by Senator de la Parte, by two-thirds vote, CS for HB 466 as amended was read the third time by title.

Senator Graham moved that the Senate reconsider the vote by which CS for HB 466 was read the third time and the Senate refused to reconsider.

CS for HB 466 as amended passed by the following vote:

Yeas—29

Mr. President	Gordon	Peterson	Sykes
Barron	Gruber	Pettigrew	Vogt
Brantley	Henderson	Plante	Ware
Childers	Johnson	Poston	Winn
Deeb	Johnston	Sayler	Zinkil
de la Parte	Lane (31st)	Sims	
Firestone	Lane (23rd)	Smathers	
Gillespie	Lewis	Stolzenburg	

Nays—8

Gallen	Graham	Myers	Weber
Glisson	McClain	Trask	Wilson

By unanimous consent, Senator Scarborough was recorded as voting yea; Senator Myers changed his vote from nay to yea.

SB 296 with the committee substitute was laid on the table.

The bill with amendments was delivered to the engrossing clerk.

Explanations of Vote

I voted for CS for HB 466 only because it has a severability clause. I believe several of the amendments placed on this bill are unconstitutional.

William G. Zinkil, Sr., 32nd District

Election Reform—I voted for this bill because I believe the overall benefits to election procedures for the state but I am deeply concerned about the two matters relating to (1) prices charged by newspapers. This is a bad precedent (2) crediting editorial endorsement on a prorata charge.

Philip D. Lewis, 27th District

My negative vote was cast as a token protest toward a blanket representation to the people of Florida that this bill is total election reform. Many people have worked long and hard for election reform and should be commended for a great effort.

However, every effort aimed at uniform election reform that would include political parties and powerful special interest organizations was unsuccessful.

I shall continue to work for fair election reform and equal protection for all as our constitution provides.

Lori Wilson, 16th District

Several amendments were proposed and adopted during Senate floor debate to which I am opposed, however I favor the objective to improve election procedures, therefore I voted "yes".

Chester W. Stolzenburg, 29th District

On motion by Senator Plante, Senate Bills 280, 489, 521, 1038, 689, House Bills 533, 890 and 919 were withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

Consideration of SB 469 was deferred.

On motion by Senator Childers, SB 1259 was withdrawn from the Committee on Natural Resources and Conservation by two-thirds vote and placed on the calendar.

HB 1915—A bill to be entitled An act relating to unfair and deceptive trade practices, repealing parts III and IV of chapter 817, creating part II of chapter 501, Florida Statutes, to pro-

hibit deceptive and unfair trade practices and to provide civil and administrative remedies for consumers, state attorneys and the department of legal affairs; creating section 570.283 (10), Florida Statutes, giving certain authority to the division of consumer services of the department of agriculture; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendments which were adopted on motions by Senator Myers:

Amendment 1—On page 4, line 5, insert: The attorney general shall, at least thirty days (30) before the meeting at which such rules are to be considered by the cabinet, mail a copy of such rules to any person filing a written request with the attorney general to receive copies of proposed rules. The attorney general may charge a reasonable rate for providing copies of such rules, which rate shall not exceed the actual cost of printing and mailing.

Amendment 2—On page 5, line 28, strike "." (period) and insert: ; provided, however, that no damages shall be recoverable under this section against a retailer who has, in good faith, engaged in the dissemination of claims of a manufacturer or wholesaler without actual knowledge that it violated this part.

Amendment 3—On page 6, line 2, insert: Written notice of such hearing shall be served by certified mail upon the party charged with a violation of this part at least thirty (30) days prior to such hearing. The party charged shall have the right to file a written answer to the charges at any time prior to the hearing and shall have the right to be represented by counsel at such hearing and to cross-examine all complaining witnesses. The administrative hearing shall be held in the county in which the party charged resides or in the county in which the violation is alleged to have occurred.

Amendment 4—On page 7, line 20, after the word "complaint." insert:

Said hearing shall be held in the county of residence of the party charged or in the county in which the violation is alleged to have occurred.

Amendment 5—On page 11, lines 19-20, strike "or one hundred dollars (\$100), whichever is greater"

Amendment 6—On page 11, line 21, strike (period) and insert: ; provided, however, that no damages, fees or costs shall be recoverable under this section against a retailer who has, in good faith, engaged in the dissemination of claims of a manufacturer or wholesaler without actual knowledge that it violated this part.

Amendment 7—On page 11, line 22, insert:

(3) In any action brought under this section, upon motion of the party against whom such action is filed alleging that the action is frivolous, without legal or factual merit, or brought for the purpose of harassment, the court may, after hearing evidence as to the necessity therefore, require the party instituting the action to post a bond in the amount which the court finds reasonable to indemnify the defendant for any damages incurred, including reasonable attorney's fees; provided, however, that this subsection shall not apply to any action initiated by the enforcing authority.

The Committee on Commerce offered the following amendment which was moved by Senator Myers:

Amendment 8—On page 12, strike entire line 12 and insert: (5) Any person or activity regulated under laws administered by the department of insurance.

501.213 Effect on other remedies.—

Senators Plante and Myers offered the following amendment to Amendment 8 which was adopted on motion by Senator Myers:

Amendment 8a—Strike the period after "department of insurance" insert: or the Florida Public Service Commission

Amendment 8 as amended was adopted.

The Committee on Commerce offered the following amendments which were adopted on motions by Senator Myers:

Amendment 9—On page 10, line 18, strike "(6)" and insert: (5)

Amendment 10—On page 12, lines 10 and 11, strike all of subsection (4) and insert: (4) The holder in due course of a negotiable instrument or the transferee of a credit agreement received in good faith without knowledge of a violation of this part.

The Committee on Commerce offered the following amendment which was adopted on motion by Senator Gallen:

Amendment 11—On pages 2 and 3 lines 25 through 30 and 1 through 3 strike all of subsection (4) lines 25-30 on page 2 and 1-3 on page 3 and insert: (4) "Enforcing authority" means the office of the state attorney if a violation of this part occurs in or affects the judicial circuit under the office's jurisdiction, and if a complaint of such violation has been referred to the state attorney by the department of legal affairs. "Enforcing authority" means the department of legal affairs if the violation occurs in or affects more than one judicial circuit, or if the office of state attorney fails to act upon a violation within a reasonable period of time after it has been referred to him by the department of legal affairs.

Senators Barron, Horne, Brantley, Lane (31st), Ware, Weber, and Gallen offered the following amendment which was adopted on motion by Senator Barron:

Amendment 12—On page 10, line 15 insert: 501.2091 Jury trial.—Notwithstanding anything in this act to the contrary, any person made a party to any proceeding brought under the provisions of this act by any enforcing authority may obtain a stay of such proceedings at any time by filing a civil action requesting a trial on the issues raised by the enforcing authority in the circuit court in the county of said party's residence. All parties shall be bound by the final order of the said circuit court.

Senators Barron, Horne, Brantley, Lane (31st), Ware and Weber offered the following amendment which was adopted on motion by Senator Barron:

Amendment 13—On page 12, strike lines 16, 17, 18 and 19 in their entirety and renumber remaining subsection

The Committee on Commerce offered the following amendments which were moved by Senator Barron and failed:

Amendment 14—On page 1, line 4 strike "unfair" and insert: fraudulent

Amendment 15—On page 1, line 8 strike "unfair" and insert: fraudulent

Amendment 16—On page 1, line 24 strike "unfair" and insert: fraudulent

Amendment 17—On page 1, line 31 strike "unfair" and insert: fraudulent

Amendment 18—On page 3, line 18, strike "(1) Unfair methods of competition and unfair" and insert: (1) Fraudulent methods of competition and fraudulent

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

Amendment 19—On page 4, lines 17-18 strike "engaged in, is engaging in, or is about to engage in" and insert: engaged in or is engaging in

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

Amendment 20—On page 11, line 24 after the word "required" insert: , regulated

On motion by Senator Barron, by two-thirds vote time of adjournment was extended until 6:00 p.m. or final action on HB 1915 and claim bills on the calendar, whichever occurred earlier.

On motion by Senator Barron, it was agreed by two-thirds vote that when the Senate adjourns it adjourn to reconvene at 8:30 a.m., May 31, 1973.

Senators Brantley and Henderson offered the following amendment which was moved by Senator Brantley:

Amendment 21—Following the words “Public Service Commission” (in amendment 8a) insert: or the Department of Banking and Finance except as to part IV of chapter 559 F.S.

Senators Myers and Brantley offered the following substitute amendment which was adopted on motion by Senator Myers:

Amendment 22—Following the words “Public Service Commission” (in amendment 8a) insert: , or banks and savings and loan associations regulated by the Department of Banking and Finance.

On motions by Senator Gallen the following amendments were adopted:

Amendment 23—On page 4, line 21, between the word “Evidence” and the period insert: According to the Florida Rules of Civil Procedure

Amendment 24—On page 6, line 2, after the word “Authority” insert: or any interested party

Senator Gallen moved the adoption of the following amendment:

Amendment 25—On page 7, line 9 strike all of the remainder of page 7, all of page 8, all of page 9 and lines 1 through 7 on page 10.

The President Pro Tempore presiding.

Amendment 25 failed by the following vote:

Yeas—15

Childers	Johnson	Peterson	Trask
Deeb	Johnston	Sayler	Ware
Gallen	Lane (31st)	Sims	Weber
Gruber	McClain	Sykes	

Nays—16

Barron	Gillespie	Pettigrew	Vogt
Brantley	Glisson	Poston	Wilson
de la Parte	Gordon	Smathers	Winn
Firestone	Myers	Stolzenburg	Zinkil

On motion by Senator McClain the following amendment was adopted:

Amendment 26—On page 2, line 8, after the word “a” insert: consumer

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

Amendment 27—On page 1, line 13 after the word “Agriculture,” insert: providing for certain exceptions;

On motion by Senator Myers, by two-thirds vote HB 1915 as amended was read the third time by title and passed. The vote was:

Yeas—31

Mr. President	Glisson	Lewis	Sykes
Barron	Gordon	McClain	Trask
Brantley	Gruber	Myers	Vogt
Childers	Henderson	Peterson	Ware
Deeb	Johnson	Pettigrew	Wilson
de la Parte	Johnston	Poston	Winn
Firestone	Lane (31st)	Sims	Zinkil
Gillespie	Lane (23rd)	Smathers	

Nays—1

Gallen

By unanimous consent Senators Weber and Graham were recorded as voting yea.

The bill with amendments was delivered to the engrossing clerk.

SB 469—A bill to be entitled An act relating to testamentary gifts and gifts in trust of a security or money, a life insurance policy or an annuity contract to a minor under the Florida Gifts to Minors Act; amending Chapter 710, Florida Statutes, by amending section 710.03 to renumber current subsections (2) and (3) as subsections (4) and (5) and by inserting new subsections (2) and (3); providing for testamentary gifts and gifts in trust of a security or money, a life insurance policy or an annuity contract to a minor under the Florida Gifts to Minors Act, providing a procedure by which the legal representative or trustee may make distribution by transferring the subject of the gift to the custodian; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendment which was adopted on motion by Senator Brantley:

Amendment 1—On page 2, line 6 strike “twenty-one” and insert: majority

Senators Sayler and McClain offered the following amendment which was adopted on motion by Senator McClain:

Amendment 2—On page 3, line 13, strike “upon becoming a law” and insert: October 1, 1973

On motion by Senator McClain, by two-thirds vote SB 469 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—31

Barron	Glisson	McClain	Sykes
Brantley	Gordon	Myers	Trask
Childers	Gruber	Pettigrew	Vogt
Deeb	Henderson	Plante	Ware
de la Parte	Johnson	Poston	Wilson
Firestone	Johnston	Sims	Winn
Gallen	Lane (31st)	Smathers	Zinkil
Gillespie	Lewis	Stolzenburg	

Nays—None

By unanimous consent Senators Sayler and Graham were recorded as voting yea.

On motions by Senator Plante, House Bills 524 and 1834 were withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

On motion by Senator Winn, CS for HB 833 was withdrawn from the Committee on Commerce by two-thirds vote and placed on the calendar.

On motion by Senator Poston, SB 432 was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

CLAIM BILLS

SB 280—A bill to be entitled An act providing for the relief of Rose V. Schoen to compensate her for injuries sustained and expenses incurred as a result of the negligence of the department of transportation; providing for an appropriation; providing an effective date.

—was read the second time by title.

Senator Lane (31st) moved the adoption of the following amendment which failed:

Amendment 1—Page 2, line 29, and Page 3, line 6, strike “sixty-five thousand (\$65,000)” and insert: forty thousand (\$40,000)

On motion by Senator Sykes, by two-thirds vote SB 280 was read the third time by title, passed and certified to the House. The vote was:

Yeas—26

Barron	Glisson	Myers	Sykes
Childers	Graham	Peterson	Trask
Deeb	Gruber	Plante	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Scarborough	Wilson
Gallen	Lewis	Sims	
Gillespie	McClain	Smathers	

Nays—6

Brantley	Lane (31st)	Weber	Zinkil
Henderson	Lane (23rd)		

SB 489—A bill to be entitled An act providing for the relief of Don B. Corder to compensate him for injuries sustained and expenses incurred as a result of the negligence of the Central and Southern Florida Flood Control; providing for an appropriation, providing an effective date.

—was read the second time by title.

On motion by Senator Plante the following amendment was adopted:

Amendment 1—On page 2, on line 20, strike “Fifteen Thousand Dollars”, and on line 21, strike “(\$15,000.00)” and on line 27, strike “Fifteen Thousand Dollars (\$15,000.00)”.

On line 20, after the word “of”, insert: Three thousand four hundred twenty-nine dollars (\$3,429.00)

On line 27, after the words “sum of”, insert: Three thousand four hundred twenty-nine dollars (\$3,429.00).

On motion by Senator Plante, by two-thirds vote SB 489 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—27

Barron	Glisson	Lewis	Sykes
Brantley	Graham	McClain	Vogt
Childers	Henderson	Peterson	Ware
Deeb	Johnson	Plante	Wilson
de la Parte	Johnston	Poston	Winn
Firestone	Lane (31st)	Sims	Zinkil
Gillespie	Lane (23rd)	Stolzenburg	

Nays—None

SB 521—A bill to be entitled An act for relief of Sunco Wholesale and Distributing Company, Inc.; providing for an appropriation to compensate it for the value of unused Florida cigarette tax stamps contained in Pitney-Bowes cigarette tax stamp meter No. 41630, which was stolen from the company on April 12, 1971; providing an effective date.

—was read the second time by title. On motion by Senator Deeb, by two-thirds vote SB 521 was read the third time by title, passed and certified to the House. The vote was:

Yeas—24

Barron	Gallen	Lewis	Stolzenburg
Brantley	Gillespie	McClain	Trask
Childers	Gruber	Peterson	Vogt
Deeb	Henderson	Plante	Ware
de la Parte	Johnston	Poston	Wilson
Firestone	Lane (23rd)	Sims	Zinkil

Nays—None

By unanimous consent Senator Graham was recorded as voting yea.

SB 1038 was laid on the table.

SB 689—A bill to be entitled An act for the relief of Charles A. Kelly; making appropriations to compensate him for the loss of salary and expense allowances as probation and parole officer for the criminal court of record in and for Dade County, a position to which he was lawfully appointed by the governor, by the abolishment of such position by the Dade County board of county commissioners and the legislature; providing an effective date.

—was read the second time by title.

On motions by Senator Plante the following amendments were adopted:

Amendment 1—On page 2, strike all of lines 8 and 9 and all of lines 13 through 28

Amendment 2—On page 2, lines 29 and 30, strike the words “Section 4. The sum of three thousand three hundred seventy-five” and insert: Section 2. The sum of one thousand

(Renumber subsequent sections 5 and 6 as sections 3 and 4 respectively)

Amendment 3—On page 3, line 6, strike the words “three thousand three hundred seventy-five” and insert: one thousand

On motion by Senator Firestone, by two-thirds vote SB 689 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—22

Barron	Gillespie	McClain	Trask
Brantley	Gruber	Peterson	Vogt
Childers	Henderson	Plante	Wilson
de la Parte	Johnston	Poston	Zinkil
Firestone	Lane (23rd)	Sims	
Gallen	Lewis	Stolzenburg	

Nays—None

By unanimous consent Senator Graham was recorded as voting yea.

HB 533—A bill to be entitled An act providing for the relief of Chris Carter of Brandon, Hillsborough County; providing an appropriation to Richard Carter, father of Chris Carter, to compensate him for injuries suffered due to negligence of school maintenance personnel; providing an effective date.

—was read the second time by title. On motion by Senator McClain, by two-thirds vote HB 533 was read the third time by title, passed and certified to the House. The vote was:

Yeas—23

Barron	Gillespie	Lewis	Sims
Brantley	Glisson	McClain	Stolzenburg
Childers	Gruber	Myers	Trask
de la Parte	Henderson	Peterson	Vogt
Firestone	Johnston	Plante	Zinkil
Gallen	Lane (23rd)	Poston	

Nays—1

Graham

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

HB 890—A bill to be entitled An act providing for the relief of Joan Rickle and her husband, Joe Rickle, for their loss sustained by unjust injuries and expenses caused by an escaped convict, for which they have no other relief; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Plante, by two-thirds vote HB 890 was read the third time by title, passed and certified to the House. The vote was:

Yeas—25

Barron	Glisson	Myers	Vogt
Brantley	Graham	Peterson	Weber
Childers	Gruber	Plante	Wilson
de la Parte	Henderson	Poston	Zinkil
Firestone	Lane (23rd)	Sims	
Gallen	Lewis	Stolzenburg	
Gillespie	McClain	Trask	

Nays—None

HB 919—A bill to be entitled An act for the relief of Mr. Dan W. D'Alemberte; providing an appropriation to compensate him for loss of personal property as the result of a car theft which was the result of the escape of inmates from the State Mental Hospital in Chattahoochee; providing an effective date.

—was read the second time by title. On motion by Senator Plante, by two-thirds vote HB 919 was read the third time by title, passed and certified to the House. The vote was:

Yeas—25

Barron	Glisson	McClain	Trask
Brantley	Graham	Myers	Vogt
Childers	Gruber	Peterson	Wilson
de la Parte	Henderson	Plante	Zinkil
Firestone	Johnston	Poston	
Gallen	Lane (23rd)	Sims	
Gillespie	Lewis	Stolzenburg	

Nays—None

On motion by Senator Poston SB 1338 was recalled from enrolling.

On motion by Senator Poston, the Senate reconsidered the vote by which SB 1338 passed on May 25. By permission Senator Poston withdrew SB 1338 from the Senate.

On motion by Senator Barron, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 30, 1973

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate amendments 1 and 2 to—

By the Committee on Appropriations and Representative Sessums and others—

CS for HB 734—A bill to be entitled An act relating to education; establishing a new formula for distribution of minimum foundation program funds; providing for supplements thereto, providing for the required local effort, providing for categorical program funds; providing for supplemental program funds; establishing a new transportation funding formula; establishing a management information system; establishing a hold harmless provision; establishing a capital outlay program

to finance K-12 public school construction; determining need; assuming local bonded indebtedness; providing a formula for allocating funds; providing for lease or lease-purchase agreements; requiring relocatable structures; providing for minimum standards for construction; providing an effective date.

(amendments attached to original bill)

—and requests the Senate to recede; failing to do so requests a conference committee be appointed.

Allen Morris, Clerk

On motions by Senator Graham, the Senate refused to recede from Senate amendments 1 and 2 to CS for HB 734. Pursuant to the request of the House, the Chair announced the appointment of Senators Williams, Gordon, Graham, Lane (31st) and Smathers as conferees on the part of the Senate. The action of the Senate was certified to the House.

The Honorable Mallory E. Horne, President May 30, 1973

I am directed to inform the Senate that the House of Representatives has passed SB 913 SB 332 SB 743.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 30, 1973

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

SCR 1360

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

On motion by Senator Saunders the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Saunders, House Bills 814, 1006 and 51, CS for HB 1020 and Senate Bills 1136 and 901 were withdrawn from the Committee on Ways and Means and placed on the calendar.

On motion by Senator Graham, HB 1329 was withdrawn from the Committee on Transportation by two-thirds vote and referred to the Committee on Education.

On motion by Senator Graham, HB 1329 was withdrawn from the Committee on Education by two-thirds vote and placed on the calendar.

The Journal of May 29 was corrected and approved.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:55 p.m. to reconvene at 8:30 a.m., May 31, 1973.