

JOURNAL OF THE FLORIDA SENATE

Thursday, May 31, 1973

The Senate was called to order by the President Pro Tempore at 8:30 a.m. A quorum present—37:

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

Excused: Periodically, conferees on SB 1343, CS for HB 734, SB 118 and HB 1331: Senators Saunders, Williams, Plante, Childers, Trask, Myers, Vogt, Graham, Lane (31st), Pettigrew, Ware, Gallen, Brantley, Weber, Gordon and Smathers.

Prayer by Senator Lewis:

Our Heavenly Father, in these closing days of our session we ask that you guide us in our deliberations so that our decisions will be for the best interest of the people of Florida. Amen.

REPORTS OF COMMITTEE

The Committee on Rules and Calendar recommends that the following bills be placed on the Local Calendar for May 31, 1973:

HB 498	SB 1363	HB 2151	HB 2197
HB 1965	SB 1364	HB 2158	HB 2198
HB 2034	SB 1365	HB 2159	HB 2199
HB 805	SB 1369	HB 2169	HB 2202
HB 1008	HB 327	HB 2170	HB 1621
HB 1255	HB 790	HB 2171	HB 1899
HB 1256	HB 1146	HB 2172	HB 2025
HB 1569	HB 1914	HB 2173	HB 2114
HB 1900	HB 1945	HB 2177	HB 2135
HB 1977	HB 2116	HB 2178	HB 2152
HB 1992	HB 2119	HB 2180	HB 2157
HB 2071	HB 2126	HB 2181	HB 2166
HB 2104	HB 2127	HB 2183	HB 2186
HB 2113	HB 2128	HB 2185	HB 2196
HB 2115	HB 2129	HB 2187	HB 1919
HB 172	HB 2133	HB 2189	SB 1358
HB 2005	HB 2134	HB 2192	SB 1359
HB 2006	HB 2142	HB 2193	
HB 959	HB 2149	HB 2194	
SB 1362	HB 2150	HB 2195	

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Thursday, May 31, 1973:

SB 127	HB 1762
HB 205	SB 1368
SB 432	SB 1103
SB 749	HB 51
HB 605	HB 822
CS for HB 168, 228 & 269	HB 770
HB 1423	SB 799
CS for HB 2, 41 & 503	SB 854
HB 1247	SB 1006
HB 646	HB 2008
HB 1176	CS for HB 378
SB 1366	SB 922
CS for HB 315 & 376	SB 824
SB 1367	

Respectfully submitted,
Dempsey J. Barron, Chairman

On motion by Senator Brantley, the House was requested to return HB 1345.

MOTION RELATING TO COMMITTEE REFERENCE

On motion by Senator Williams, HB 1555 was withdrawn from the Committee on Governmental Operations by two-thirds vote and placed on the calendar.

REQUESTS FOR EXTENSION OF TIME

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

HM 153 by Representative Tucker
HB 1001 by Representative Birchfield
HB 1419 by Representative Harllee
HB 1972 by Representative Birchfield
HB 1974 by Representative Birchfield

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

SB 697 by Senators Pettigrew and Gordon

The Committee on Rules and Calendar requests an extension of 2 days for the consideration of the following:

SB 485 by Senator Gillespie
HM 95 by Representative Malloy
SB 669 by Senator J. Lane
SB 1222 by Senator Saunders
SB 1129 by Senator Poston
SB 1270 by Senator Pettigrew
CS for HB 1632 by House Administrative Committee
HB 1630 by Representative Sessums

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—

SB 469 with 2 amendments SB 689 with 3 amendments
SB 489 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 422 with 1 amendment SB 989 with 2 amendments
SB 684 with 1 amendment SB 1347 with 1 amendment
SB 949 with 2 amendments

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

ELMER O. FRIDAY, Secretary

The bills were ordered enrolled.

Your Engrossing Clerk reports amendments to CS for HB 466 have been examined and the bill returned herewith.

ELMER O. FRIDAY, Secretary

The bill with amendments was ordered certified to the House.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 31, 1973

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

SB 1264 SB 445

Allen Morris, Clerk

The bills contained in the above message 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 passed as amended—

By Representative J. C. Thomas—

HB 851—A bill to be entitled An act relating to the Florida Public Service Commission; amending subsection (1) of section 350.77, Florida Statutes, by providing for a change in fees for copies; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 851, 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 30, 1973

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

By Representative Cunningham—

HB 1857—A bill to be entitled An act relating to public assistance; adding subsection (3) to §409.266, Florida Statutes, 1971, to provide for inclusion of podiatry services within programs of medical assistance for the needy; providing an effective date.

By Representative Williamson and others—

HB 1520—A bill to be entitled An act relating to public health; requiring persons involved in the wholesale and retail preparation, processing, and distribution of food to wear hair nets or other hair covering at any time the person is working with exposed or unpackaged food; providing penalties; providing an effective date.

By Representative Spicola and others—

HB 950—A bill to be entitled An act relating to bonds for air and water pollution control; amending section 403.1834(3), Florida Statutes, to provide a \$200-million limit on bonds issued in any year; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 1857, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

HB 1520, contained in the above message, was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

HB 950, contained in the above message, was read the first time by title and referred to the Committee on Natural Resources and Conservation.

The Honorable Mallory E. Horne, President May 30, 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 2140—A bill to be entitled An act relating to ambulances; amending section 877.07(4), Florida Statutes, deleting the authority of the various county boards of health relating to required first aid equipment and training of operators and employees; providing an effective date.

By the Committee on Education and Representative Nelson and others—

CS for HB 1782—A bill to be entitled An act relating to school bus safety; amending §234.02, Florida Statutes, 1972 Supplement, by adding subsection (3) to said section; eliminating children standing on school buses; providing exceptions under emergency conditions; providing for a study by the department of education to be made to determine costs of providing transportation in hazardous situations within the two mile limit; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 2140, contained in the above message, was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

CS for HB 1782, contained in the above message, was read the first time by title and referred to the Committee on Transportation.

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

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

By the Committees on Appropriations and Health & Rehabilitative Services and Representative Tubbs and others—

CS for HB 1988—A bill to be entitled An act relating to corrections; stating the legislative purpose of the act; amending section 944.02, Florida Statutes, to provide for definitions; creating section 944.021, Florida Statutes, providing for a master plan for corrections; amending section 944.031, Florida Statutes, 1972 supplement as amended by section 1, chapter 72-331, Laws of Florida, providing for correctional institutions and their location, purpose and capacity; amending section 944.033, Florida Statutes, 1972 supplement, as amended by section 1, chapter 72-331, Laws of Florida, providing for community correctional centers and residential facilities, facilities for emotionally disturbed and retarded offenders, drug treatment facilities, state correctional institutions, and diagnostic and evaluation centers; creating section 944.035, Florida Statutes, providing for prison population and standards; amending subsection (1) of section 944.08, Florida Statutes, to provide for commitment to the department of health and rehabilitative services; amending section 944.09, Florida Statutes, to provide that the department of health and rehabilitative services shall make rules relating to maintenance of prisoners; amending section 944.11, Florida Statutes, providing for rules and regulations for inmates; amending section 944.19, Florida Statutes, relating to education of offenders; amending section 944.23, Florida Statutes, relating to persons who may visit prisons; amending section 944.28, subsection (1), Florida Statutes, relating to forfeiture of gain time; amending section 944.291, Florida Statutes, relating to release by reason of gain time; amending section 945.01, Florida Statutes, providing for definitions; amending section 945.025, Florida Statutes, providing for the jurisdiction of the department; creating section 945.041, Florida Statutes, providing for the division of parole and probation; creating section 945.071, Florida Statutes, to provide for the purposes of diagnostic and evaluation programs and centers; creating section 945.072, Florida Statutes, providing for a pre-trial intervention program; amending and renumbering section 948.01, Florida Statutes, relating to when courts may place defendant on probation; renumbering and amending section 948.02, Florida Statutes, providing for the duties of the department of health and rehabilitative services, relating to probationers; renumbering and amending section 948.03, Florida Statutes, relating to terms and conditions of probation; renumbering and amending section 948.04, Florida Statutes, relating to period of probation; amending section 945.09, Florida Statutes, providing for commitment of offenders; amending section 945.091, Florida Statutes, relating to the limits of confinement; creating section 945.30, Florida Statutes, providing for the payment for cost of supervision; creating section 945.31, Florida Statutes, providing for supervision after release; creating section 945.32, Florida Statutes, relating to assistance in obtaining employment; creating section 945.33, Florida Statutes, authorizing appropriations for diagnosis and treatment; creating section 945.34, Florida Statutes, relating to initiation of restoration of civil rights; creating section 945.35, Florida Statutes, relating to deprivation of civil rights; creating section 947.011, Florida Statutes, providing for definitions; renumbering and amending section 947.01, Florida Statutes, providing for parole commission, amending section 947.06, Florida Statutes, providing for meetings of parole commission; amending section 947.13, Florida Statutes, 1972 supplement, as amended by section 1, chapter 72-256, Laws of Florida, providing for powers and duties of parole commission; amending section 947.17, Florida Statutes, providing for procedure of parole commission; amending section 947.21, Florida Statutes, relating to violations of terms of release; amending section 947.24, Florida Statutes, relating to discharge from parole; amending section 947.25, Florida Statutes, providing for recommenda-

tions for clemency; amending section 947.26, Florida Statutes, providing for cooperation of the department of health and rehabilitative services; creating section 947.27, Florida Statutes, providing for transfer to the department of health and rehabilitative services; amending section 949.08, Florida Statutes, relating to rules and regulations for parole and probation compact; amending section 949.10, Florida Statutes, 1972 supplement, as amended by section 1, chapter 72-232, Laws of Florida, relating to arrest of offender after subsequent felony arrest; amending section 20.19(2), Florida Statutes, providing for a division of parole and probation in the department of health and rehabilitative services; amending subsection (1) of section 924.06, Florida Statutes, relating to appeals from sentences; providing that whenever the phrase parole and probation commission appears in the Florida Statutes, it shall be changed to parole commission; renumbering section 948.011, Florida Statutes, as 945.074, Florida Statutes, and renumbering section 948.05, Florida Statutes, as 945.078, Florida Statutes; renumbering section 948.06, Florida Statutes, as section 945.079, Florida Statutes; repealing sections 944.01, 944.032, 1972 supplement, as amended by section 1, chapter 72-331, Laws of Florida, 944.034, 1972 supplement, as amended by section 1, chapter 72-331, Laws of Florida; 944.04, 944.05, 944.06, 944.061, 944.062, 944.064, 944.071 and 944.10, Florida Statutes, relating to correctional institutions, their purpose and location; repealing sections 944.16, 944.17 and 944.18, Florida Statutes, relating to how prisoners are committed and received; repealing section 944.55, Florida Statutes, relating to rewards; repealing section 945.04, Florida Statutes, relating to function of division of corrections; repealing section 945.10, Florida Statutes, relating to investigations by parole and probation commission; repealing section 947.081, Florida Statutes, relating to the department of community services; repealing section 947.14, Florida Statutes, relating to records and duties of parole and probation commission; providing for this act to be called "The Correctional Reform Act of 1973"; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB 1988, 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 30, 1973

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

By Representative Redman and others—

HCR 1794—A concurrent resolution proposing the appointment of a select legislative committee on the Central Florida Transportation Corridor.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HCR 1794, contained in the above message, was read the first time 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 passed as amended—

By Representatives Birchfield and Smith—

HB 1722—A bill to be entitled An act relating to education; authorizing and establishing the conditions under which the department of education may produce and disseminate for use in the state system of education educational materials and products developed by or under the direction of the department; providing restrictions for publication and production for classroom usage; providing an effective date.

By Representative Harris—

HB 1170—A bill to be entitled An act relating to declaratory judgments; amending Section 86.091, Florida Statutes, requir-

ing that the Attorney General be served with a copy of any complaint alleging the unconstitutionality of any statute, charter, ordinance or franchise; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 1722, contained in the above message, was read the first time by title and placed on the calendar.

HB 1170, 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 30, 1973

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

By the Committee on Business Regulation and Representative Wilson and others—

CS for HB's 5 & 101—A bill to be entitled An act relating to contracts for dance studio lessons or other services; providing definitions; establishing standards and placing requirements and limitations on contracts; prohibiting the negotiability of evidence of indebtedness of contracts, waiver of defenses, and the assignment of contracts; providing for cancellation of dance studio contracts; prohibiting waiver by the buyer of the provisions of the act; providing for an assurance of voluntary compliance; providing a civil remedy; providing for the use of injunctions; authorizing the department of legal affairs or state attorneys to bring civil actions; requiring a bond and providing a penalty for violation of the bond requirements; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB's 5 and 101, 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 30, 1973

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

By Representative Whitson—

HB 1644—A bill to be entitled An act relating to alcoholic beverages; amending §561.20(2)(a), Florida Statutes, 1972 Supplement, to provide that special licenses can be issued to condominium-owned motor courts; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 1644, 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 concurred in Senate amendments to House amendments 2 and 3 and passed as further amended—

By the Committee on Transportation—

SB 1144—A bill to be entitled An act relating to drivers' licenses; repealing §322.141, Florida Statutes, relating to color licenses issued to minors; providing an effective date.

Allen Morris, Clerk

SB 1144 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—32

Barron	Glisson	McClain	Smathers
Brantley	Gordon	Myers	Stolzenburg
Childers	Graham	Pettigrew	Trask
Deeb	Gruber	Peterson	Vogt
de la Parte	Johnson	Plante	Weber
Firestone	Johnston	Poston	Wilson
Gallen	Lane (23rd)	Sayler	Winn
Gillespie	Lewis	Sims	Zinkil

Nays—None

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

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

By the Committee on Transportation—

SB 1146—A bill to be entitled An act relating to drivers' licenses; amending §322.04(2), Florida Statutes, providing a time extension for nonresidents to obtain drivers' licenses; providing an effective date.

Which amendment reads as follows:

On page 1, line 12, strike Everything after the enacting clause and insert the following:

Section 1. Section 322.031 is created to read:

322.031 Nonresident—when license required.—

(1) In every case where a nonresident, except a nonresident migrant farm worker as defined in section 316.003(62), accepts employment or engages in any trade, profession, or occupation in the state or enters his children to be educated in the public schools of the state, such nonresident shall within thirty days after the commencement of such employment or education be required to make application for his driver license if he operates a motor vehicle on the highways of the state.

(2) Every applicant who is entitled to the issuance of an original driver license, as provided in this section, shall be issued a valid license for that period of time until his next birth month then renewable in accordance with the provisions of section 322.18.

(3) The fee to be charged for the fractional year license shall be one dollar (\$1.00), in addition to the fee for driver education as provided by section 233.063 and in addition to the fee for color photograph as provided by section 322.142.

Section 2. This act shall take effect July 1, 1973.

—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 1146.

SB 1146 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—31

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

Nays—None

By unanimous consent Senator Pettigrew was 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 amendments—

By the Committee on Health and Rehabilitative Services—

CS for SB 292—A bill to be entitled An act relating to juveniles; amending section 39.20, Florida Statutes, relating to purpose, and renumbering it section 39.001, Florida Statutes; amending section 39.01, Florida Statutes, 1972 Supplement, as amended by sections 4 and 5, chapter 72-179 and sections 19 and 30, chapter 72-404, Laws of Florida, providing definitions; amending section 39.02, Florida Statutes, 1972 Supplement, as amended by section 6, chapter 72-179, Laws of Florida, relating to jurisdiction; amending section 39.03(1)-(5), (6)(d), (7), Florida Statutes, providing the authority and the procedures for taking a child into custody and for the detention of a child; amending section 39.04, Florida Statutes, providing for preliminary screening of juvenile cases by the department of health and rehabilitative services; amending section 39.05, Florida Statutes, providing for petitions; amending section 39.06, Florida Statutes, providing for process and service; amending section 39.07, Florida Statutes, providing for an answer or pleading in response to a petition; amending section 39.08, Florida Statutes, relating to medical, psychiatric, and psychological examination and treatment; amending section 39.09, Florida Statutes, relating to hearings; amending section 39.10, Florida Statutes, relating to powers of adjudication; amending section 39.11, Florida Statutes, relating to powers of disposition; amending section 39.12, Florida Statutes, 1972 Supplement, as amended by sections 8, 9, chapter 72-179 and section 20, chapter 72-404, Laws of Florida, relating to oaths, records, and privileged information; amending section 39.13, Florida Statutes, relating to contempt; amending section 39.14, Florida Statutes, providing appeal procedures; repealing sections 39.16, 39.17, Florida Statutes, and section 39.18, Florida Statutes, 1972 Supplement, as amended by section 21, chapter 72-404, Laws of Florida, relating to juvenile court personnel and court expenses; repealing section 39.181, Florida Statutes, relating to laws not affected; amending section 39.19, Florida Statutes, providing for court and witness fees; providing an effective date.

Amendment 1—On page 11, line 8, insert the following: after the word "may," insert: prior to, or

Amendment 2—On page 36, line 31, strike "(6)" and insert the following: (7)

Amendment 3—On page 39, line 28, strike All of subsection (5), and renumber remaining sections accordingly

Amendment 4—On page 29, lines 7 to 17, strike everything after the word "place" and insert the following: When any child is detained pending a hearing, the person in charge of the detention facility or his designated representative may provide or cause to be provided such medical or surgical services as may be deemed necessary by a physician. A physician shall be immediately called if there are indications of injury or illness, or the child shall be taken to the nearest available hospital for emergency care. After a hearing, the court may order the parents, guardian, or custodian, if found able to do so, to reimburse the county for the expense involved in such emergency medical or surgical treatment. Nothing in this section shall be deemed to eliminate the right of the parents or the child to consent to examination or treatment for the child except that consent of a parent shall not be required if the physician determines there is a serious injury or illness requiring immediate treatment, and the child consents to such treatment or an ex parte court order is obtained authorizing said treatment.

Amendment 5—On page 5, line 24, strike "persistently"

Amendment 6—On page 8, line 19, strike lines 19-30 inclusive

Amendment 10—On page 26, line 6, strike "if he is over fourteen (14) years of age"

Amendment 11—On page 4, line 15, strike subsection (6) and insert the following: (6) "Child" means any married or unmarried person under the age of ~~eighteen~~ ~~seventeen~~ ~~seventeen~~ years, or any person who is charged with a violation of law occurring prior to the time that person reached the age of ~~eighteen~~ ~~seventeen~~ years.

Amendment 13—On page 49, line 24, strike period (.) and insert the following: , except that the definition of "child" in Section 39.01(6) shall not take effect until July 1, 1974.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motions by Senator Myers, the Senate concurred in House amendments 1, 2, 3, 4 and 5 to CS for SB 292.

On motion by Senator Myers, the Senate refused to concur in House amendment 6 to CS for SB 292, and the House was requested to recede therefrom.

On motions by Senator Myers, the Senate concurred in House amendments 10, 11 and 13 to CS for SB 292.

CS for SB 292 passed as further amended, and the action of the Senate was certified to the House. The vote was:

Yeas—37

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

Nays—None

Explanation of Vote

While voting in favor of the intent of CS for SB 292, I feel that it was a serious error to increase the age of jurisdiction of the Juvenile Courts from those under 17 to those under 18.

Bruce A. Smathers, 9th District

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

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

By the Committee on Transportation—

SB 1308—A bill to be entitled An act relating to the department of transportation; repealing §334.22(2), Florida Statutes, requiring the filing of biennial reports; providing an effective date.

Amendment 1—On page 1, line 11, strike all of lines 11 & 12 and insert the following:

Section 1. Subsection (2) of section 334.22, Florida Statutes, 1971, is amended to read:

334.22 Biennial reports.—

(1) The department shall report to the governor not later than sixty days before the meeting of each session of the legislature such changes in the laws as the department may determine as being expedient to secure the best results in road construction and repair work.

(2) The department shall also file with the governor not later than 30 days prior to such meeting of each session of the legislature a report covering the operation of the department for the two preceding fiscal year years, which shall include a summary statement of the financial operations of the department and any other fiscal information that the governor may request.

Amendment 2—On page 1, line 5, strike repealing §334.22(2), Florida Statutes, requiring the filing of biennial reports; and insert the following: amending §334.22(2), Florida Statutes, 1971; requiring annual reports to be filed;

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

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

Amendment 1a—Line 9 of amendment 1 strike “thirty” and insert: sixty

On motion by Senator Poston, the Senate concurred in House amendment 1 as amended.

On motion by Senator Poston, the Senate concurred in House amendment 2 to SB 1308.

SB 1308 passed as amended, and the action of the Senate was certified to the House. The vote was:

Yeas—37

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

Nays—None

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

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

By the Committee on Governmental Operations—

CS for SB 561—A bill to be entitled An act relating to the Florida construction industry licensing board; amending §§468.101, 468.102(1), 468.103, 468.106(2), (3) and (4), 468.109(2) and 468.110(1), Florida Statutes, 1971, and §§468.105(1)(a) and (b) and (3), 468.113(2) and (7), and 468.114(2), Florida Statutes, 1972 Supplement; eliminating certain registration requirements; providing for the inclusion of mechanical contractors, pool contractors, sheet metal contractors, air conditioning contractors and roofing contractors under the provisions of part II of chapter 468, Florida Statutes, and in the membership of said board; providing for alternate members; providing for a public member on said board; providing for registration in additional areas of the state; requiring certain educational or experience qualifications as a prerequisite to taking an examination; requiring certain insurance as a prerequisite to issuance of a certificate; providing that an applicant may waive in writing the confidentiality of his examination for purposes of discussion at meetings of the board; relating to occupational licenses for certain types of contractors; authorizing local boards to request annually the names of those certified or registered; repealing §468.105(1)(c) and (2), Florida Statutes, 1972 Supplement, relating to registration, to conform to this act; providing an effective date.

Amendment 1—On page 15, line 11, strike but not more than one-half (½) of such experience may be educational equivalent. and insert the following: period (.)

Amendment 2—On page 15, line 26, insert a new Section 6. to read as follows:

Section 6. Subsection (2) of section 468.109, Florida Statutes, 1971, is amended to read:

468.109 Fee.—The board shall impose the following fees:

(2) The initial application fee for registration without examination shall be fixed by the board not to exceed:

(a) General contractor	\$50.00
(b) Building contractor	\$25.00
(c) Residential building contractor	\$10.00
(d) Sheet metal contractor	\$20.00
(e) Air conditioning contractor, each class	\$20.00
(f) Roofing contractor	\$20.00
(g) Mechanical contractor	\$20.00
(h) Pool contractor	\$20.00

Re-number subsequent sections accordingly.

Amendment 3—In the title, on page 2, line 2, after the semicolon (;) insert the following: amending section 468.109(2), Florida Statutes, 1971, allowing the Florida construction industry licensing board to charge certain fees;

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motions by Senator Deeb, the Senate concurred in House amendments 1, 2 and 3 to CS for SB 561.

CS for SB 561 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—27

Deeb	Johnson	Poston	Trask
de la Parte	Lane (31st)	Sayler	Ware
Firestone	Lane (23rd)	Scarborough	Weber
Gillespie	McClain	Sims	Wilson
Glisson	Myers	Smathers	Winn
Graham	Peterson	Stolzenburg	Zinkil
Gruber	Plante	Sykes	

Nays—4

Childers	Gallen	Johnston	Vogt
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By unanimous consent Senators Henderson and Lewis were recorded as voting nay.

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

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

By Senator Johnston—

SB 1009—A bill to be entitled An act relating to workmen's compensation; amending section 440.42 (2), Florida Statutes, relating to liability under, and cancellation of, insurance policies; providing an effective date.

Which amendment reads as follows:

On page 2, line 1, strike later and insert the following: the latter.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motion by Senator Johnston, the Senate concurred in the House amendment to SB 1009.

SB 1009 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—29

Brantley	Johnson	Poston	Ware
Childers	Johnston	Sayler	Weber
de la Parte	Lane (23rd)	Sims	Wilson
Firestone	Lewis	Smathers	Winn
Gillespie	McClain	Stolzenburg	Zinkil
Gordon	Myers	Sykes	
Graham	Peterson	Trask	
Henderson	Plante	Vogt	

Nays—None

By unanimous consent Senator Gruber was recorded as voting yea.

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

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

By the Committee on Governmental Operations—

CS for SB 912—A bill to be entitled An act relating to the auditor general; amending §11.45(1), Florida Statutes, adding paragraph (e) defining county agency; amending paragraph (a) of §11.45(3), Florida Statutes, relating to the power and duty of the auditor general to make postaudits and performance audits of the accounts and records of state agencies and county agencies, and of other public accounts and records, and relating to the annual postaudit of certain public accounts and records

by an independent certified public accountant; and repealing chapter 63-1403, Laws of Florida, Acts of 1963, relating to the annual audit by the state auditor of the accounts and records of each incorporated municipality within Hillsborough county.

—which amendment reads as follows:

On page 3, lines 8 and 9, strike "as to any fiscal year which is audited by the auditor general." and insert the following: where prior notification by the auditor general or the legislative auditing committee indicates that the auditor general shall conduct the audit.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motion by Senator Pettigrew, the Senate concurred in the House amendment to CS for SB 912.

CS for SB 912 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—27

Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Ware
de la Parte	Johnson	Plante	Weber
Firestone	Lane (23rd)	Poston	Wilson
Gillespie	Lewis	Sayler	Winn
Gordon	McClain	Stolzenburg	Zinkil
Graham	Myers	Sykes	

Nays—None

By unanimous consent Senators Vogt and Sims were recorded as voting yea.

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

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

By Senator Scarborough, and others—

SB 393—A bill to be entitled An act relating to equal rights; prohibiting discrimination on the basis of sex in the areas of loaning money, granting credit, or hiring, discharging or promoting employees; providing a civil action and compensatory damages; providing an effective date.

—which amendment reads as follows:

On page 1, strike all of lines 13 through 20 and insert the following:

Section 1. No person, as defined in Section 1.01 (3), Florida Statutes, shall discriminate against any person based on sex, marital status, or race in the areas of loaning money, granting credit, or equal pay for equal services performed.

Section 2. Any violation of this section may be brought in the courts of this state by the said individual upon whom the said discrimination has been perpetrated in a civil action, and said individual shall be entitled to collect not only compensatory damages, but in addition thereto, punitive damages and reasonable attorney fees for a violation of this act.

and renumber remaining section.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motion by Senator Scarborough, the Senate concurred in the House amendment to SB 393.

SB 393 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—29

Brantley	Gruber	Myers	Vogt
Childers	Henderson	Peterson	Weber
de la Parte	Johnson	Poston	Wilson
Firestone	Johnston	Scarborough	Winn
Gillespie	Lane (31st)	Sims	Zinkil
Glisson	Lane (23rd)	Stolzenburg	
Gordon	Lewis	Sykes	
Graham	McClain	Trask	

Nays—None

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

SPECIAL ORDER

SB 127 was taken up, together with:

By the Committee on Health and Rehabilitative Services—

CS for SB 127—A bill to be entitled An act relating to emergency medical care; providing definitions; providing for a state plan for emergency medical services; establishing licensing, permit and certification procedures and requiring all ambulance companies, vehicles and attendants to meet minimum state standards for construction, equipment, training, records, insurance and maintenance; creating the state emergency medical services advisory council and providing for its membership, purpose, objectives and functions; providing for the development of a communications system; providing for the inspection and examination of ambulance companies, vehicles and attendants; providing that licenses, certificates and permits issued pursuant to this act are nontransferable except with division approval; providing for exemptions; establishing a schedule of fees; providing that failure to obtain consent shall not result in civil liability where the patient is unable to give consent and there is no other person reasonably available; providing authority for counties and cities to enact additional regulations; requiring certificates of public convenience and necessity and providing for adoption by counties of standards for such certification; providing exemption from liability for acts or omissions committed in good faith; providing for participation in federal programs; providing penalties for the violation of any provision of this act; providing a penalty for fraudulently obtaining service from ambulance companies; providing a penalty for turning in a false alarm; repealing §877.07, Florida Statutes, 1969, as amended, relating to required first aid equipment and training of ambulance operators and employees; providing an effective date.

—which was read the first time by title and SB 127 was laid on the table.

On motion by Senator Poston, by two-thirds vote CS for SB 127 was read the second time by title.

On motions by Senator Poston the following amendments were adopted:

Amendment 1—On page 6, lines 13 and 14 strike entire lines and insert: (7) The division shall issue temporary licenses to applicants presently providing ambulance service but not meeting required standards, valid for a period

Amendment 2—On page 8, line 1, strike “each” and insert: one

Amendment 3—On page 8, line 29, strike entire line and insert: medical technician except the eighty (80) hour training required in section 7, (3)(a) and in addition:

Amendment 4—On page 14, following line 14, insert: (4) Ambulances operated by non-profit volunteer organizations.

Amendment 5—On page 15, line 15, strike “1974” and insert: 1976

Amendment 6—On page 15, lines 20 through 23, strike entire lines and insert: lance service.

Amendment 7—On page 16, line 29, strike “their” and insert: its

Amendment 8—On page 18, line 6, strike entire line and insert: Section 27. This act shall take effect October 1, 1973.

Pending further consideration of CS for SB 127 as amended, on motion by Senator Poston the rules were waived and the Senate reverted to—

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 passed as amended—

By the Committee on Appropriations and the Committee on Health & Rehabilitative Services and Representative J. Thomas and others—

CS for CS for HB 124—A bill to be entitled An act relating to emergency medical care; providing definitions; providing for a state plan for emergency medical services; establishing licensing, permit and certification procedures and requiring all ambulance companies, vehicles and attendants to meet minimum state standards for construction, equipment, training, records, insurance and maintenance; creating the state emergency medical services advisory council and providing for its membership, purpose, objectives and functions; providing for the development of a communications system; providing for the inspection and examination of ambulance companies, vehicles and attendants; providing that licenses, certificates and permits issued pursuant to this act are nontransferable except with division approval; providing for exemptions; establishing a schedule of fees; providing that failure to obtain consent shall not result in civil liability where the patient is unable to give consent and there is no other person reasonably available; providing authority for counties and cities to enact additional regulations; requiring certificates of public convenience and necessity and providing for adoption by counties of standards for such certification; providing exemption from liability for acts or omissions committed in good faith; providing for participation in federal programs; providing penalties for the violation of any provision of this act; providing a penalty for fraudulently obtaining service from ambulance companies; providing a penalty for turning in a false alarm; repealing §877.07, Florida Statutes, 1969, as amended, relating to required first aid equipment and training ambulance operators and employees; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for CS for HB 124, contained in the above message, was read the first time by title and placed on the calendar.

On motion by Senator Poston, CS for CS for HB 124 a companion measure to CS for SB 127 was substituted therefor. On motion by Senator Poston, by two-thirds vote CS for CS for HB 124 was read the second time by title.

On motion by Senator Poston the following amendment was adopted:

Amendment 1—On page 13, strike lines 31 and 32 and insert: (4) Any ambulance owned and operated by a volunteer emergency squad chartered by the state as a corporation not for profit prior to October 1, 1973, shall be exempt from the provisions of Section 7 of this act; provided, however, that such ambulances shall be manned by one (1) attendant who is certified as an emergency medical technician in compliance with Section 7.

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

Amendment 2—On page 13, between lines 32 and 33 insert: (5) Any exemptions granted under subsection (4) of section 13 of this act shall expire October 1, 1976.

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

Amendment 3—On page 4, line 9, strike “governmental entity” and on line 8 move “or” after “association” to front of “association”

The vote was:

Yeas—12

Brantley	Gallen	Lane (23rd)	Scarborough
Childers	Gillespie	McClain	Sims
de la Parte	Johnston	Peterson	Smathers

Nays—14

Firestone	Lane (31st)	Poston	Winn
Glisson	Lewis	Sayler	Zinkil
Graham	Myers	Ware	
Gruber	Pettigrew	Wilson	

On motions by Senator McClain the following amendments were adopted:

Amendment 4—On page 15, line 14, strike the period (.) after “employees” and insert: where said persons act as an ordinary reasonably prudent man would have acted under the same or similar circumstances.

Amendment 5—On page 15, lines 14 through 17, strike everything after the word “employees.” and insert: This section does not relieve the licensee, an attendant, driver, physician or hospital from liability while rendering such emergency care if such licensee, attendant driver, physician or hospital is guilty of negligence.

On motion by Senator Ware the following amendment was adopted:

Amendment 6—On page 17, between lines 11 and 12 insert a new subsection 26 and renumber. Section 26. No person shall be denied treatment for any emergency medical condition which will deteriorate from a failure to provide such treatment at any hospital licensed under §395 F.S. that operates an emergency department providing emergency treatment to the public.

On motion by Senator Lewis the following amendment was adopted:

Amendment 7—On page 15, line 5, after the word “any” insert: physician-trained mobile rescue paramedic,

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

Amendment 8—On page 5, lines 19, 20 and 21, strike all subsection (d)

On motion by Senator Poston, by two-thirds vote CS for CS for HB 124 as amended was read the third time by title and passed. The vote was:

Yeas—31

Mr. President	Glisson	Lewis	Smathers
Barron	Gordon	Myers	Sykes
Brantley	Graham	Pettigrew	Vogt
Childers	Gruber	Plante	Ware
Deeb	Henderson	Poston	Weber
de la Parte	Johnson	Sayler	Wilson
Firestone	Johnston	Scarborough	Winn
Gillespie	Lane (31st)	Sims	Zinkil

Nays—5

Gallen	McClain	Peterson	Trask
Lane (23rd)			

The bill with amendments was delivered to the engrossing clerk. CS for SB 127 was laid on the table.

The Honorable Mallory E. Horne, President May 31, 1973

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

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.

Allen Morris, Clerk

On motion by Senator Brantley, the Senate reconsidered the vote by which HB 1345 passed on May 30.

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

Amendment 1—On page 29, strike lines 29 and 30 and renumber.

HB 1345 as amended passed by the following vote:

Yeas—29

Brantley	Gruber	Peterson	Vogt
Childers	Henderson	Pettigrew	Ware
de la Parte	Johnson	Scarborough	Wilson
Gallen	Johnston	Sims	Winn
Gillespie	Lane (31st)	Smathers	Zinkil
Glisson	Lane (23rd)	Stolzenburg	
Gordon	McClain	Sykes	
Graham	Myers	Trask	

Nays—2

Lewis Sayler

The bill with amendment was delivered to the engrossing clerk.

The Senate resumed—

SPECIAL ORDER

HB 205—A bill to be entitled An act relating to emergency medical service telecommunications; providing legislative intent; providing for the establishment and regulation of emergency medical telecommunications; authorizing the division of communications of the department of general services to formulate and implement a regional emergency medical telecommunications plan encompassing each medical service entity within the state; listing those items to be included in such a plan; requiring compliance with the plan; providing an appropriation; providing an effective date.

—was read the second time by title.

On motion by Senator Henderson the following amendment was adopted:

Amendment 1—On page 5, lines 24-30 and page 6, lines 1-3 strike all of Section 7.

On motion by Senator Poston, by two-thirds vote HB 205 as amended was read the third time by title.

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

Amendment 2—On page 1, line 18, strike "appropriation; providing an"

HB 205 as amended passed by the following vote:

Yeas—29

Brantley	Gruber	Peterson	Ware
Childers	Henderson	Pettigrew	Weber
Deeb	Johnson	Poston	Wilson
de la Parte	Johnston	Sayler	Winn
Firestone	Lane (31st)	Sims	Zinkil
Gallen	Lane (23rd)	Sykes	
Glisson	Lewis	Trask	
Gordon	Myers	Vogt	

Nays—None

By unanimous consent Senator Graham was recorded as voting yea.

The bill with amendment was delivered to the engrossing clerk.

On motion by Senator Poston, HB 447 was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

SB 432 was taken up and on motion by Senator Poston—

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.

—a similar measure was substituted therefor and read the second time by title. On motion by Senator Poston, by two-thirds vote HB 447 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Barron	Glisson	Lewis	Sykes
Brantley	Gordon	McClain	Trask
Childers	Gruber	Myers	Vogt
Deeb	Henderson	Peterson	Weber
de la Parte	Johnson	Pettigrew	Wilson
Firestone	Johnston	Poston	Winn
Gallen	Lane (31st)	Sayler	Zinkil
Gillespie	Lane (23rd)	Sims	

Nays—None

By unanimous consent Senator Graham was recorded as voting yea.

SB 749—A bill to be entitled An act relating to sales or use tax; amending §212.051, Florida Statutes, to exempt facilities, structures, devices, fixtures, materials, equipment or machinery used for pollution control or abatement; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator Childers:

Amendment 1—On page 1, line 20, after "manufacturing" insert: , mining, processing

On motion by Senator Childers the following amendment was adopted:

Amendment 2—On page 1, strike all of lines 18 and 19 and insert: facility, structure, device, fixture, equipment or ma-

chinery installed, or materials used, solely to comply with any law or requirement of the pollution control department for the control or abatement of pol-

On motion by Senator Childers, by two-thirds vote SB 749 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—27

Barron	Glisson	McClain	Trask
Brantley	Henderson	Plante	Ware
Childers	Johnson	Poston	Weber
Deeb	Johnston	Sayler	Wilson
de la Parte	Lane (31st)	Scarborough	Winn
Firestone	Lane (23rd)	Sims	Zinkil
Gallen	Lewis	Sykes	

Nays—5

Gillespie	Myers	Pettigrew	Vogt
Gordon			

By unanimous consent Senator Graham was recorded as voting nay, Senators Peterson and Gruber yea.

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

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.

—which was read the second time by title.

Senators Johnston and Childers offered the following amendments which were adopted on motions by Senator Childers:

Amendment 1—On page 1, lines 9 and 10 strike the word "projects" and insert: project

Amendment 2—On page 1, strike all of line 20 and insert: an airport as a county capital project, hereinafter called "project."

Amendment 3—On page 1, line 21 strike the word "projects" and insert: project

Amendment 4—On page 2, line 23, and on page 3, line 19, strike the word "any" and insert: the

Amendment 5—On page 1, line 6 strike the words "county capital projects" and insert: an airport as a county capital project

On motion by Senator Childers, by two-thirds vote HB 2133 as amended was read the third time by title and passed. The vote was:

Yeas—31

Barron	Henderson	Peterson	Trask
Brantley	Johnson	Pettigrew	Vogt
de la Parte	Johnston	Poston	Ware
Firestone	Lane (31st)	Sayler	Weber
Gillespie	Lane (23rd)	Scarborough	Wilson
Gordon	Lewis	Sims	Winn
Graham	McClain	Stolzenburg	Zinkil
Gruber	Myers	Sykes	

Nays—1

Deeb

By unanimous consent, Senator Childers was recorded as voting yea, Senator Deeb changed his vote from nay to yea.

On motion by Senator Barron, the Senate took up—

LOCAL CALENDAR

HB 498—A bill to be entitled An act relating to the Homosassa Special Water District, Citrus County; amending Section 1, Chapter 59-1177, Laws of Florida, Special Acts of 1959, as amended by Chapter 63-1222, Laws of Florida, Special Acts of 1963; increasing the Territorial Limits of the Homosassa Special Water District of Citrus County, Florida; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 498 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

HB 1965—A bill to be entitled An act relating to the City of Tampa; authorizing the division of beverage of the department of business regulation to issue a beverage license to the City of Tampa for use within the complex known as Curtis Hixon Hall; providing for application; providing for transfer; providing an effective date.

—was read the second time by title. On motion by Senator Lane (23rd), by two-thirds vote HB 1965 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—2

Firestone Peterson

HB 2034—A bill to be entitled An act relating to the City of Lakeland, Polk County; authorizing the division of beverage, department of business regulation of the State of Florida, to issue a beverage license to the City of Lakeland, or its assigns, for the operation of a three-building complex known as the Lakeland Civic Center; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 2034 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—2

Firestone Peterson

HB 805—A bill to be entitled An act relating to the City of Ormond Beach; enlarging and revising the boundaries of such city; amending section 6 of chapter 15401, Laws of Florida, 1931, as amended; and providing an effective date.

—was read the second time by title. On motion by Senator Gillespie, by two-thirds vote HB 805 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

HB 1008—A bill to be entitled An act relating to the City of West Palm Beach, Florida, amending the provisions of Article I, Section 1.01 of Chapter 65-2381, Special Laws of Florida, 1965, as amended, said Chapter being the Charter of said City.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 1008 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—2

Firestone Gillespie

HB 1255—A bill entitled An act relating to the acquisition of certain real property by the City of Orlando for parks and recreational purposes; providing for the conferring of specific authority upon the City of Orlando to acquire by purchase or condemnation all or part of certain lands required for the so-called Turkey Lake Project; providing that this Act shall govern any conflicting provisions of any other general or special acts; providing a severability clause; and providing an effective date.

—was read the second time by title. On motion by Senator Sims, by two-thirds vote HB 1255 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—2

Firestone Gillespie

HB 1256—A bill to be entitled An act relating to Orange County, Florida, amending section 5(5)(b), Chapter 71-803, Laws of Florida, as amended by section 4, Chapter 72-625, changing the time during which one of the potential tax sources of revenue may be enacted; and providing an effective date.

—was read the second time by title. On motion by Senator Sims, by two-thirds vote HB 1256 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

Barron	Deeb	Gillespie	Graham
Brantley	de la Parte	Glisson	Gruber
Childers	Gallen	Gordon	Henderson

Johnson	Peterson	Smathers	Williams
Johnston	Pettigrew	Stolzenburg	Wilson
Lane (31st)	Plante	Sykes	Winn
Lane (23rd)	Poston	Trask	Zinkil
Lewis	Saunders	Vogt	
McClain	Sayler	Ware	
Myers	Sims	Weber	

Nays—1

Firestone

HB 1569—A bill to be entitled An act relating to Broward county repealing Chapter 63-1158; which provided for fund allocation for busing of children residing more than two miles from schools; providing an effective date.

—was read the second time by title. On motion by Senator Weber, by two-thirds vote HB 1569 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

HB 1900—A bill to be entitled An act relating to the City of Winter Garden; amending Article XI, Section 91 of the Charter by adding a sub-section to be numbered 91(4) to be known as hereinafter described and providing a method for the City to extend corporate limits to certain areas adjacent thereto and the procedure therefore; providing an effective date.

—was read the second time by title. On motion by Senator Sims, by two-thirds vote HB 1900 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—2

Firestone Peterson

HB 1977—A bill to be entitled An act amending the charter of the City of Bradenton, Florida, the same being Chapter 22219, Laws of Florida, Special Acts of 1943, as amended, by providing for the exclusion of certain described property from the territorial boundaries of the City of Bradenton, Florida; providing an effective date.

—was read the second time by title. On motion by Senator Gallen, by two-thirds vote HB 1977 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Barron	Gallen	Gruber	Lane (23rd)
Brantley	Gillespie	Henderson	Lewis
Childers	Glisson	Johnson	McClain
Deeb	Gordon	Johnston	Myers
de la Parte	Graham	Lane (31st)	Pettigrew

Plante	Sims	Trask	Williams
Poston	Smathers	Vogt	Wilson
Saunders	Stolzenburg	Ware	Winn
Sayler	Sykes	Weber	Zinkil

Nays—2

Firestone Peterson

HB 1992—A bill to be entitled An act relating to the City of Palatka, Putnam County; amending §3, chapter 9875, Laws of Florida, 1923, as amended, to add the boundaries of a certain territory lying Southerly and Westerly of and contiguous to the corporate limits of the city; providing an effective date.

—was read the second time by title. On motion by Senator Glisson, by two-thirds vote HB 1992 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

HB 2071—A bill to be entitled An act relating to the City of Cross City, Dixie County; providing for a change in corporate boundaries; providing for a referendum; providing an effective date.

—was read the second time by title.

On motion by Senator Saunders the following amendment was adopted:

Amendment 1—On page 2, strike all of lines 1 through 11 and insert: Section 2. This act shall take effect only upon approval in a referendum election by a majority of those registered voters in Dixie County residing in the area described in section 1 actually voting at said referendum, such election to be called and conducted by the city in the manner provided by law. The supervisor of elections of Dixie County is hereby directed to cooperate fully and render such service as is requested in return for payment of actual costs by the city; provided that this section shall take effect upon becoming a law.

On motion by Senator Brantley, by two-thirds vote HB 2071 as amended was read the third time by title and passed. The vote was:

Yeas—37

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

Nays—1

Firestone

The bill with amendment was delivered to the engrossing clerk.

HB 2104—A bill to be entitled An act relating to Okaloosa County, Ocean City-Wright Fire Control District; amending subsections (1) and (2) of section 9 of chapter 65-1988, Laws

of Florida; providing that the board of commissioners of the fire control district shall have the authority to levy special assessments against the taxable real estate in the district to provide funds for the purposes of the district in an amount not to exceed one (1) mill; providing for the basis of valuation; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote HB 2104 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

HB 2113—A bill to be entitled An act relating to Bay County, school board; authorizing the board to recognize service rendered by instructional personnel at the Tyndall Air Force Base elementary school as Florida teaching service; authorizing the issuance of continuing contracts; recognizing such service in administration of the state program of education; providing an effective date.

—was read the second time by title. On motion by Senator Barron, by two-thirds vote HB 2113 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

HB 2115—A bill to be entitled An act relating to Lake County; repealing chapter 61-2366, Laws of Florida; which authorizes the board of public instruction of said county to purchase any and all items required in behalf of said school system, wherein the said purchase price of any item shall be in a sum less than one thousand dollars (\$1,000) without taking sealed bids thereon; providing an effective date.

—was read the second time by title. On motion by Senator Glisson, by two-thirds vote HB 2115 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

HB 172—A bill to be entitled An act relating to Monroe County; repealing chapters 65-1923 and 69-1313. Laws of Florida, 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.

—was read the second time by title. On motion by Senator Poston, by two-thirds vote HB 172 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

HB 2005—A bill to be entitled An act relating to the Amendment of the Municipal Boundaries of the Town of Lake Park, Florida; amending Article II of Chapter 61-2375, Laws of Florida, Special Act of 1961; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote HB 2005 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

HB 2006—A bill to be entitled An act relating to the Amendment of the Municipal Boundaries of The Village of North Palm Beach, Florida; amending Article II of Chapter 61-2375, Laws of Florida, Special Act of 1961; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 2006 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

HB 959—A bill to be entitled An act relating to alcoholic beverage licenses in Duval County; providing for additional

beverage license for The "21" Club of Century 21, Inc., Jacksonville, Florida; providing for the waiver of the term of existence of license; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 959 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—2

Firestone Peterson

Consideration of SB 1362 was deferred.

SB 1363—A bill to be entitled An act relating to alcoholic beverage licenses in Duval County; providing for an additional beverage license for The Racquet Club, Inc., a Florida Corporation, of Jacksonville, Florida; providing for the waiver of the term of existence of the license; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote SB 1363 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—2

Firestone Peterson

SB 1364—A bill to be entitled An act relating to alcoholic beverage licenses in Duval County; providing for additional beverage license for the Shadowrock Tennis Club, Inc., Jacksonville, Florida; providing for the waiver of the term of existence of the license; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote SB 1364 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—2

Firestone Peterson

SB 1365—A bill to be entitled An act relating to alcoholic beverage licenses in Duval County; providing for additional beverage license for the Shadowrock Corporation, Jacksonville, Florida; providing for the waiver of the term of existence of the license; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote SB 1365 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—2

Firestone Peterson

On motion by Senator Childers, SB 1369 was removed from the calendar by two-thirds vote and referred to the Committee on Governmental Operations.

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.

—was read the second time by title. On motion by Senator Gillespie, by two-thirds vote HB 327 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

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.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote HB 790 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

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.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 1146 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

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

—was read the second time by title. On motion by Senator Wilson, by two-thirds vote HB 1914 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—2

Firestone Sims

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.

—was read the second time by title. On motion by Senator Wilson, by two-thirds vote HB 1945 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—2

Firestone Gillespie

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.

—was read the second time by title.

Senator Deeb moved the adoption of the following amendment:

Amendment 1—On page 1, line 20, strike everything after the enacting clause. and insert: Section 1. SHORT TITLE. This act shall be designated and cited as the uniform consumer protection act of Pinellas County.

Section 2. DECLARATION OF LEGISLATIVE INTENT. The provisions and penalties of this act are not intended to and shall not be construed as changing, modifying, amending, repealing, superseding or conflicting with any provisions or sections of the Florida Statutes or federal law, but shall be construed as supplemental and additional thereto and not as a substitute therefor.

Section 3. TERRITORY EMBRACED. It is hereby provided that this act shall be applicable throughout Pinellas County, including all unincorporated and incorporated areas of Pinellas County, Florida. It is further provided that this act shall pertain to all violations hereof within Pinellas County and supercedes and nullifies those provisions of any and all municipal ordinances and codes, including county ordinances, which define or penalize any act recognized and declared in this act to be a violation thereof.

Section 4. REPEALING LAWS IN CONFLICT HEREWITH. All municipal charters, municipal ordinances, municipal resolutions, special laws applying to and within this county and general laws applying only to this county, and county ordinances in conflict with any provisions of this act are hereby repealed.

Section 5. THE BOARD OF CONSUMER AFFAIRS AND APPEALS. There is hereby established a board to be called the board of consumer affairs and appeals which shall consist of nine (9) members. Such board shall be composed of two (2) members appointed by the board of county commissioners, two (2) members appointed by the legislative delegation of Pinellas County, one (1) member appointed by the City of Clearwater, one (1) member appointed by the City of St. Petersburg and three (3) at-large members appointed by the other six (6) members of the board of consumer affairs. The three (3) at-large members may be chosen from a list of nominees received from those municipalities within the county not given a specific representative. No more than five (5) nor less than four (4) members of the board of consumer affairs shall represent the business community within the county. All members shall be appointed for a term of one (1) year. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. The continued absence of any member from regular meetings shall render such member subject to removal from office by the appointing authority.

Section 6. QUORUM, PROCEDURE, RECORDS. Five (5) members of the board shall constitute a quorum. In varying the application of any provision of this act or in modifying an order of the director of consumer affairs, affirmative votes of the majority present but not less than four (4) affirmative votes shall be required. No board members shall act in a case in which he has a personal interest. The board shall establish reasonable rules and regulations designed to implement and enforce the provisions of this act and shall establish rules and regulations for its own procedure not inconsistent with the provisions of this act. The board shall meet upon call by the chairman of the board of consumer affairs and appeals in accordance with the rules established by the board, but in no event shall the board meet less than one (1) time per month. Where necessity warrants, the director of Consumer Affairs may petition the chairman to convene the board in a duly constituted meeting. The clerk of the circuit court shall serve as ex officio clerk to the board and shall make a detailed record of all its proceedings, which shall set forth reasons for its decisions, the vote of each member participating therein, the absence of a member, and any failure of a member to vote. The clerk of the circuit court shall preserve the decisions of the board of consumer affairs and appeals in a manner provided by the rules and regulations of the board. For good

cause shown and upon the vote of seven members of the board of consumer affairs and appeals, any member may be dismissed from serving on the board.

Section 7. POWERS OF THE BOARD OF CONSUMER AFFAIRS AND APPEALS. The board shall hear consumer complaints certified to the board by the director or the chairman. The board shall have the power to issue citations for violations of the provisions of this act. In the event any person, by himself or by his servant or agent, or as the servant or agent of another person, habitually violates any of the provisions of this act, the board may recommend to the county commissioners that the occupational license of said person be revoked or suspended pursuant to the provisions of section 59, Pinellas County ordinance 72-10. Any violation of a citation or order of the board of consumer affairs and appeals shall be punishable pursuant to the provisions of section 17(1) of this act. The board may promulgate rules for the administration of its staff but such rules shall not have the effect of law.

Section 8. Cease and desist orders; procedures.—

(1) Whenever the director shall have reason to believe that a person has been or is violating this act and if it shall appear to the director that a proceeding by him in respect thereof would be to the interest of the public, he shall issue and serve upon such person a complaint or notice stating its charges in that respect and containing a notice of a hearing upon a day and at a place therein fixed at least thirty (30) days after the service of said complaint. The person so complained of shall have the right to appear at the place and time so fixed and show cause why an order should not be entered by the board requiring such person to cease and desist from the violation of this part so charged in said complaint. Any interested party or person may make application and upon good cause shown may be allowed by the board to intervene and appear in said proceeding by counsel or in person. The testimony in any such proceeding shall be reduced to writing and filed in the office of the director. If upon such hearing the board shall be of the opinion that the act is in violation of this act, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such person an order requiring such person to cease and desist from using such method of competition or such act or practice.

(2) The board may modify or set aside its order at any time by rehearing upon its own motion when such rehearing is in the interest of the public welfare.

(3) Evidence and testimony: Any relevant evidence shall be admitted if the board finds it competent and reliable, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions. Irrelevant and unduly repetitious evidence shall be excluded. At the hearing the parties may present testimony and evidence, and the right to cross-examine witnesses shall be preserved. All testimony and evidence shall be given under oath or by affirmation. The hearing record shall be public and open to inspection by any person; and upon request by any principal party to the proceeding, the board shall furnish such party a copy of the hearing record, if any, at such cost as the county commission deems appropriate. Each party shall have the following rights:

- (a) To call and examine witnesses;
- (b) To introduce exhibits;
- (c) To cross-examine opposing witnesses on any relevant matter even though that matter was not covered on direct examination;
- (d) To impeach any witness regardless of which party first called him to testify;
- (e) To rebut the evidence.

(4) An order of the board to cease and desist shall not become effective until ten (10) days after all board action has been concluded, or, if appeal is made to the circuit court and bond is posted, until a final order has been entered by that court.

(5) No cease and desist order shall act as a limitation upon any other action or remedy available to a person aggrieved by a violation of this act.

(6) Any person who violates a cease and desist order of the board after it has become final, and while such order is in effect, shall forfeit and pay to the County of Pinellas a civil penalty of not more than one thousand dollars (\$1,000) for each violation, which shall accrue to the County of Pinellas and may be recovered in a civil action brought by the county. Each separate violation of such an order shall be a separate offense, except that in the case of a violation through continuing failure or neglect to obey a final order of the enforcing authority each day of continuance of such failure or neglect shall be deemed a separate offense.

Section 9. COURT REVIEW. Any person, firm, corporation, agency, or board aggrieved by any decision of the board of consumer affairs and appeals may appeal to the courts as provided by general law within thirty (30) days from the date of the decision sought to be reviewed.

Section 10. DIRECTORS AND INSPECTORS. The board of county commissioners of Pinellas County is authorized and directed to establish a division or office of consumer affairs which shall be operated under the administrative direction and supervision of the county administrator. The board of county commissioners shall have the power to appoint a director over this office, subject to the approval of the board of consumer affairs and appeals, and provide for the hiring of such other personnel as necessary to perform the duties prescribed by this act. The board of county commissioners is authorized to expend such funds as necessary for salaries and operating expenses as is necessary to effect the purposes of this act.

Section 11. Operating Procedures.—

(1) Any consumer may make or file a complaint stating the name and address (if known) of the person alleged to have committed the violation complained of and the particulars thereof, and such other information as may be required by the board of consumer affairs and appeals.

(2) Upon the filing of a complaint, the director shall cause such investigation as he deems appropriate to be made. If the director determines that there are reasonable grounds to believe a violation of this act has occurred, he may attempt to conciliate the matter through conferences with all interested parties and such representatives as the parties may choose to assist them. The director shall make every effort to make maximum use of state and federal agencies in settling complaints in order to minimize the workload on the board and his office.

(3) If the director determines that there are no reasonable grounds to believe that a violation has occurred, he shall dismiss the complaint. Any person who has filed a complaint which has ultimately been dismissed by the director may petition the chairman of the board to set the complaint for hearing.

Section 12. GENERAL POWERS AND DUTIES OF THE DIRECTOR. The director shall have the custody of the county standards of weight and measure and of the other standards and equipment provided for by this act, and shall keep accurate records of the same. The director shall enforce the provisions of the laws of the state relating to consumer protection, trade standards, weights and measures. The specifications, tolerances, and other technical requirements for commercial weighing and measuring devices, together with amendments thereto, shall be those specified and used by the department of agriculture. He shall annually make to the county administrator and the board of consumer affairs and appeals a report of all the activities of his office. The director shall have the power to develop programs in coordination with the administration of the Stetson University College of Law and the St. Petersburg Junior College whereby qualified students may be employed by the director to aid him in the effective enforcement of this act.

Section 13. Other rights and remedies. Nothing herein shall prevent any person from exercising any right or seeking any private remedy to which he might otherwise be entitled, or from filing any complaint with any other agency.

Section 14. POLICE POWERS; RIGHT OF ENTRY AND STOPPAGE. With respect to the enforcement of this act and any other ordinance or state statute dealing with false advertising, consumer protection, trade standards and weights and measures that he is, or may be, empowered to enforce, the sheriff of Pinellas County may deputize the director of the

office of consumer affairs and his inspectors, if the director and any of his inspectors as appointed by the director have completed an appropriate police training course approved by the sheriff of Pinellas County. When so deputized the director is vested with special police powers and is authorized to arrest any violator of the said ordinance or statutes, and to seize and impound as material evidence, any incorrect or unsealed weights and measures or amounts or packages of commodity used, retained, offered or exposed for sale, or sold in violation of law. The director is authorized upon probable cause and execution of a search warrant to enter and go into or upon, any structure or premises, and to stop any violating person and require him to proceed, to such place within the county as the director or his authorized inspector may specify.

Section 15. INJUNCTION POWERS. The director and the board of consumer affairs and appeals are authorized to apply to any court of competent jurisdiction for, and such court upon hearing and for cause shown may grant, a temporary or permanent injunction restraining any person from violating any provision of this act.

Section 16. POWERS AND DUTIES OF INSPECTORS. The powers and duties given to and imposed upon the director by this act are hereby given to and imposed upon the inspectors also, when acting under the instructions and at the direction of the director.

Section 17. OFFENSES; PROSECUTION; PENALTIES.

(1) GENERAL PENALTIES FOR VIOLATION OF THIS ACT. Any person who, by himself or by his servant or agent, or as the servant or agent of another person, violates any of the foregoing provisions of this act shall, upon first conviction thereof, be guilty of a misdemeanor of the second degree, punishable as provided in §775.082 or §775.083; and upon a second or subsequent conviction thereof, be guilty of a misdemeanor of the first degree, punishable as provided in §775.082 or §775.083.

(2) HINDERING OR OBSTRUCTING OFFICERS; PENALTIES. Any person who shall hinder or obstruct in any way the director or an inspector in the performance of his official duties shall be guilty of a misdemeanor of the second degree punishable as provided in §775.082 or §775.083.

(3) IMPERSONATION OF OFFICER; PENALTIES. Any person who shall impersonate in any way the director or an inspector in any manner, shall be guilty of a misdemeanor of the second degree punishable as provided in §775.082 or §775.083.

(4) ADOPTION BY REFERENCE OF CERTAIN STATE MISDEMEANOR STATUTES.

(a) All statutes of the State of Florida defining and prohibiting false advertising and offenses relating to fraudulent practices, consumer protection, trade standards, and weights and measures, defined by state law as misdemeanors, are adopted and incorporated by reference as a part of this act or to the same extent and to the same effect as if the provisions of each such statute were set out in full herein defining and prohibiting each such offense against the state to be an act prohibited by or an offense in violation of this act.

(b) All such acts defined as misdemeanors in said statutes are hereby prohibited and declared to be violations of this act, and any person or corporation shall upon conviction be guilty of a misdemeanor of the second degree punishable as provided in §775.082 or §775.083.

(5) SUMMONS AND COMPLAINTS. This county may provide, in quadruplicate, suitable serial numbered forms of summons and complaints for notifying alleged violators to appear and answer to charges of violating this act. Such forms may be issued to and received for by the law enforcement officials. The county court clerk shall, each month, report to the county court judges the disposition made by the law enforcement officials of all such forms issued to them. All law enforcement officials making arrests or issuing summons with promise to appear shall use this form.

Section 18. SEVERABILITY. Should any part or provision of this act be declared to be invalid, the same shall not effect the validity of the act as a whole, or any part thereof other than the part declared to be invalid.

Section 19. EFFECTIVE DATE. This act shall take effect on July 1, 1973.

On motion by Senator Deeb the following amendment to Amendment 1 was adopted:

Amendment 1a—On page 12, strike all of lines 5 and 6 and insert: of this act. Any person or corporation which commits such an act is guilty of a misdemeanor of the second degree, punishable

Senators Ware, Deeb and Saylor offered the following amendments to Amendment 1 which were adopted on motion by Senator Deeb:

Amendment 1b—On page 10, line 27 strike the word "the" and insert: deputized

Amendment 1c—On page 9, lines 4 through 8, strike everything after the period on line 4 and all of lines 5, 6, 7, & 8

Amendment 1 as amended was adopted.

On motion by Senator Deeb the following amendment was adopted:

Amendment 2—On page 1, line 3, strike the title and insert:

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 definitions; providing penalties; providing an effective date.

On motion by Senator Deeb, by two-thirds vote CS for HB 2116 as amended was read the third time by title and passed. The vote was:

Yeas—37

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

Nays—1

Firestone

The bill with amendments was delivered to the engrossing clerk.

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.

—was read the second time by title. On motion by Senator Gallen, by two-thirds vote HB 2119 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

Consideration of HB 2126 was deferred.

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.

—was read the second time by title. On motion by Senator Lane (23rd), by two-thirds vote HB 2127 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—2

Firestone Gillespie

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.

—was read the second time by title. On motion by Senator Lane (23rd), by two-thirds vote HB 2128 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—2

Firestone Gillespie

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.

—was read the second time by title. On motion by Senator Lane (23rd), by two-thirds vote HB 2129 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

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.

—was read the second time by title. On motion by Senator Wilson, by two-thirds vote HB 2134 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

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.

—was read the second time by title. On motion by Senator Barron, by two-thirds vote HB 2142 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—2

Firestone Gillespie

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.

—was read the second time by title. On motion by Senator Sykes, by two-thirds vote HB 2149 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

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.

—was read the second time by title. On motion by Senator Williams, by two-thirds vote HB 2150 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

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.

—was read the second time by title. On motion by Senator Williams, by two-thirds vote HB 2151 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—2

Firestone Gillespie

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.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 2158 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

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.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 2159 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

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.

—was read the second time by title. On motion by Senator Williams, by two-thirds vote HB 2169 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—2

Firestone Gillespie

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.

—was read the second time by title. On motion by Senator Williams, by two-thirds vote HB 2170 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—2

Firestone	Gillespie
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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.

—was read the second time by title. On motion by Senator Williams, by two-thirds vote HB 2171 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—2

Firestone	Gillespie
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HB 2172—A bill to be entitled An act relating to the City of Gainesville, Alachua County; authorizing the designation of re-development areas or districts within the city and the procedure for designation thereof; authorizing the development of re-development 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.

—was read the second time by title. On motion by Senator Williams, by two-thirds vote HB 2172 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—2

Firestone	Gillespie
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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.

—was read the second time by title. On motion by Senator Williams, by two-thirds vote HB 2173 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—2

Firestone	Gillespie
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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.

—was read the second time by title. On motion by Senator Weber, by two-thirds vote HB 2177 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

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.

—was read the second time by title. On motion by Senator Weber, by two-thirds vote HB 2178 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

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.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote HB 2180 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

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.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote HB 2181 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

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.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote HB 2183 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

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.

—was read the second time by title. On motion by Senator Gallen, by two-thirds vote HB 2185 was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

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

Nays—3

Firestone Henderson Plante

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.

—was read the second time by title. On motion by Senator Gillespie, by two-thirds vote HB 2187 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

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.

—was read the second time by title. On motion by Senator Barron, by two-thirds vote HB 2189 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

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.

—was read the second time by title. On motion by Senator Horne, by two-thirds vote HB 2192 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

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.

—was read the second time by title. On motion by Senator Horne, by two-thirds vote HB 2193 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

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.

—was read the second time by title. On motion by Senator Horne, by two-thirds vote HB 2194 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

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.

—was read the second time by title. On motion by Senator Horne, by two-thirds vote HB 2195 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—2

Firestone Gillespie

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.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 2197 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

Consideration of HB 2198 was deferred.

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.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 2199 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

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.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote HB 2202 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

CS for HB 1621—A bill to be entitled An act relating to county charter commissions; amending §125.61(2), Florida Statutes, 1971, which relates to the method of appointment to fill vacancies on charter commissions; amending §125.63, Florida Statutes, 1971, which relates to proposal of county charters to provide that the time by which a proposed charter must be presented to the board of county commissioners may be extended by appropriate resolution of the board of county commissioners; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote CS for HB 1621 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

HB 1899—A bill to be entitled An act relating to Martin County, providing for the issuance of gun permits; granting to the sheriff the exclusive authority to issue such permits; defining the term, requirements and fee for the issuance of gun permits; providing that violation of this act is a misdemeanor; repealing chapter 63-1620, Laws of Florida, relating to issuance of gun permits by county judge; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 1899 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

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.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote HB 2025 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

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.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote HB 2114 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

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.

—was read the second time by title. On motion by Senator Wilson, by two-thirds vote HB 2135 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

Barron	Gallen	Gruber	Lane (23rd)
Brantley	Gillespie	Henderson	Lewis
Childers	Glisson	Johnson	McClain
Deeb	Gordon	Johnston	Myers
de la Parte	Graham	Lane (31st)	Peterson

Pettigrew
Plante
Poston
Saunders
Saylor

Sims
Smathers
Stolzenburg
Sykes
Trask

Vogt
Ware
Weber
Williams
Wilson

Winn
Zinkil

Yeas—37

Barron
Brantley
Childers
Deeb
de la Parte
Gallen
Gillespie
Glisson
Gordon
Graham

Gruber
Henderson
Johnson
Johnston
Lane (31st)
Lane (23rd)
Lewis
McClain
Myers
Peterson

Pettigrew
Plante
Poston
Saunders
Saylor
Sims
Smathers
Stolzenburg
Sykes
Trask

Vogt
Ware
Weber
Williams
Wilson
Winn
Zinkil

Nays—1

Firestone

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.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote HB 2152 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

Barron
Brantley
Childers
Deeb
de la Parte
Gallen
Gillespie
Glisson
Gordon
Graham

Gruber
Henderson
Johnson
Johnston
Lane (31st)
Lane (23rd)
Lewis
McClain
Myers
Peterson

Pettigrew
Plante
Poston
Saunders
Saylor
Sims
Smathers
Stolzenburg
Sykes
Trask

Vogt
Ware
Weber
Williams
Wilson
Winn
Zinkil

Nays—1

Firestone

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

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 2157 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

Barron
Brantley
Childers
Deeb
de la Parte
Gallen
Gillespie
Glisson
Gordon
Graham

Gruber
Henderson
Johnson
Johnston
Lane (31st)
Lane (23rd)
Lewis
McClain
Myers
Peterson

Pettigrew
Plante
Poston
Saunders
Saylor
Sims
Smathers
Stolzenburg
Sykes
Trask

Vogt
Ware
Weber
Williams
Wilson
Winn
Zinkil

Nays—1

Firestone

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.

—was read the second time by title. On motion by Senator Lane (23rd), by two-thirds vote HB 2166 was read the third time by title, passed and certified to the House. The vote was:

Nays—1

Firestone

Consideration of HB 2186 was deferred.

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 acts shall be null and void; providing an effective date.

—was read the second time by title. On motion by Senator Barron, by two-thirds vote HB 2196 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

Barron
Brantley
Childers
Deeb
de la Parte
Gallen
Gillespie
Glisson
Gordon
Graham

Gruber
Henderson
Johnson
Johnston
Lane (31st)
Lane (23rd)
Lewis
McClain
Myers
Peterson

Pettigrew
Plante
Poston
Saunders
Saylor
Sims
Smathers
Stolzenburg
Sykes
Trask

Vogt
Ware
Weber
Williams
Wilson
Winn
Zinkil

Nays—1

Firestone

HB 1919—A bill to be entitled An act relating to Hillsborough County; authorizing the board of county commissioners of Hillsborough County to convey to Dale Mabry Post 139, The American Legion, Department of Florida, certain lots in Gardenia Subdivision in Hillsborough County at a price based on their fair market value; providing an effective date.

—was read the second time by title. On motion by Senator Lane (23rd), by two-thirds vote HB 1919 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

Barron
Brantley
Childers
Deeb
de la Parte
Gallen
Gillespie
Glisson
Gordon
Graham

Gruber
Henderson
Johnson
Johnston
Lane (31st)
Lane (23rd)
Lewis
McClain
Myers
Peterson

Pettigrew
Plante
Poston
Saunders
Saylor
Sims
Smathers
Stolzenburg
Sykes
Trask

Vogt
Ware
Weber
Williams
Wilson
Winn
Zinkil

Nays—1

Firestone

Consideration of HB 1262 was deferred.

HB 1397—A bill to be entitled An act relating to St. Lucie County; creating, establishing, and incorporating a special taxing district in the county to be known and designated as St. Lucie County Hospital District; fixing and prescribing the boundaries of the district; providing for the governing and administration of the same; providing and defining the powers and purposes of the district and of the board of trustees thereof; authorizing and empowering the board to establish, construct, purchase, operate, and maintain such hospitals, clinics, doctors' clinics, nursing homes, parking facilities, billing and collection services, and other related endeavors as may be conveyed to or established and constructed by the board and the district; authorizing the district to lease, equip, operate, and maintain hospitals, clinics, doctors' clinics, nursing homes, parking facilities, billing and collection services, and other related endeavors owned by others and to contract with any person, firm, corporation or organization for the construction, operation, and maintenance of hospitals, clinics, doctors' clinics, nursing homes, parking facilities, billing and collection services, and other related endeavors in the district; authorizing and providing for the issuance and sale of ad valorem and revenue bonds, and refunding bonds, of the district; authorizing and empowering the board to borrow money on the note or notes of the district; authorizing and providing for the levy and collection of taxes for the payment of the bonds and the interest thereon; authorizing and providing for the levy of taxes to carry out the purposes of the district as provided in this act; authorizing the district to accept by conveyance any hospitals owned by others; authorizing the district to purchase a hospital or hospitals and hospital equipment owned by others within the district; authorizing and providing generally the powers and duties of the board on its behalf; providing an effective date, and providing for a referendum.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 1397 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

Consideration of HB 1917 was deferred.

HB 1922—A bill to be entitled An act relating to Hillsborough County schools; amending §4 of chapter 69-1146, Laws of Florida; providing causes for the discharge or demotion of teachers; providing an effective date.

—was read the second time by title. On motion by Senator Lane (23rd), by two-thirds vote HB 1922 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

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.

—was read by title.

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

Amendment 1—On page 1, line 11, strike the word "The" and insert: Notwithstanding the provisions of sections 112.08 and 112.12, Florida Statutes, the

Amendment 2—On page 1, lines 18 and 19, strike the words " , where a plan for group insurance has heretofore been or shall hereafter be adopted,"

On motion by Senator Weber, HB 1932 as amended was read by title and passed. The vote was:

Yeas—37

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

Nays—1

Firestone

The bill with amendments was delivered to the engrossing clerk.

Consideration of HB 1933 was deferred.

HB 2055—A bill to be entitled An act relating to Bay County; restricting the size and number of nets or trawls to be used for shrimping in the inland estuarine waters of said county; providing a definition; providing for enforcement by the department of natural resources; providing a penalty; providing an effective date.

—was read the second time by title. On motion by Senator Barron, by two-thirds vote HB 2055 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

HB 2081—A bill to be entitled An act relating to Pinellas County; creating the Pinellas County fire protection authority; setting forth legislative intent and purpose; setting forth the membership of the authority; defining the authority's duties and powers; providing for an election to approve proposed districts; setting forth requirements for the ballots for the election; providing funding by ad valorem taxation; providing fire protection to unincorporated areas; requiring consent of existing fire departments before their abolishment; providing right of inspection; providing for initial funding; providing severability; providing an effective date.

—was read the second time by title.

On motions by Senator Sayler the following amendments were adopted:

Amendment 1—On page 2, line 27, strike “membership” and insert: membership

Amendment 2—On page 4, lines 4-5, strike “through ad valorem taxation as authorized in section 6”

Amendment 3—On page 4, line 22, after the word “taxation” insert: or service charges

Amendment 4—On page 5, lines 27-29 strike entire lines and insert: protection districts.

Amendment 5—On page 6, lines 1 through 21, strike entire lines and insert: Section 4. Establishment of fire control districts.—Within ninety (90) days from the effective date of this act, the board of county commissioners shall establish fire control districts for the entire county.

Amendment 6—On pages 6 and 7, line 22 on page 6 through line 10 on page 7, strike entire lines and insert: Section 5. Alternate methods of funding.—

(1) Upon a fire control district becoming established, the board of county commissioners may cause to be levied, after proper referendum, an ad valorem tax on all real property in the unincorporated areas within said fire control district, sufficient to pay the pro rata share of the costs of providing such protection to those areas.

(2) As an alternative method of funding, the board of county commissioners may cause to be levied a yearly service charge on all real property in the unincorporated areas within a fire control district sufficient to pay the pro rata share of the costs of providing protection to those areas; such charge, if not paid, becoming a lien on the property with the dignity of a tax lien.

(3) Determination of what the pro rata share of the costs for providing fire protection to the unincorporated areas within a fire control district shall be made by the authority.

(4) If an ad valorem tax is used, such tax shall be millage in excess of the ten (10) mill limit imposed by the constitution and statutes of this state on ad valorem taxation, and shall be included in the taxes assessed on the regular county tax rolls.

(5) All tax revenues or service charges collected within a fire control district shall be deposited in a separately designated account for each district, such account being under the control of the authority.

(6) Prior to the board of county commissioners making their decision as to the method of funding for a district, the freeholders within the district may decide whether they will be taxed by ad valorem taxation, with proper referendum, or be assessed by service charge, by submitting to the board of county commissioners a proper petition signed by a majority of the freeholders stating their preference and choice.

Remaining Sections to be renumbered accordingly.

Amendment 7—On page 7, lines 19-27, strike entire lines and insert: the authority from funds derived under the provisions of section 5.

Amendment 8—On page 8, lines 14-22, strike entire lines and insert: district pending levy and collection of the initial ad valorem tax or service charge proceeds providing in section 5. Such fire control district shall reimburse the board of county commissioners the funds so expended upon receipt of the first proceeds of such tax or service charge collected by the fire control district.

Amendment 9—On page 1, lines 10-14, strike entire lines and insert: powers; providing for the establishment of fire control districts; providing alternate methods of funding; providing fire

On motion by Senator Saylor, by two-thirds vote HB 2081 as amended was read the third time by title and passed. The vote was:

Yeas—37

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

Nays—1

Firestone

The bill with amendments was delivered to the engrossing clerk.

HB 1076—A bill to be entitled An act relating to state roads and bridges; designating that portion of the Madeira Beach Causeway beginning at the intersection of state highway alternate nineteen with the Bay Pines interchange, and extending to the Madeira Beach Bridge, Pinellas County, Florida, as the Tom Stuart Causeway; providing an effective date.

—was read the second time by title. On motion by Senator Deeb, by two-thirds vote HB 1076 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
Deeb	Johnson	Plante	Weber
de la Parte	Johnston	Poston	Wilson
Firestone	Lane (31st)	Saunders	Winn
Gallen	Lane (23rd)	Scarborough	Zinkil
Gillespie	Lewis	Sims	
Gordon	McClain	Smathers	

Nays—None

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 31, 1973

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

SB 1361 SB 1334 SB 1330 SB 1341

Allen Morris, Clerk

The bills contained in the above message were ordered enrolled.

The Honorable Mallory E. Horne, President May 31, 1973

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

By Senator Deeb—

SB 557—A bill to be entitled A local act relating to Pinellas County; relating to tax assessments and providing a method of fixing millage; providing that governing bodies of counties, municipalities, school districts, and other taxing districts shall decrease the millage required of such county or district in proportion to the increase of the general level of assessed valuation of property; authorizing a ten (10) percent increase in millage; providing for further millage increases in emergencies subject to limitations and review by the county budget commission; providing for verification of budgets and millage increases; specifying millages to be excluded from the reductions required by this act; providing an effective date.

Amendment 1—On page 1, strike everything after the enactment clause and insert the following:

Section 1. Method of fixing millage in year of revaluation.—

(1) After the tax assessment rolls have been prepared on the basis as required by law, the board of county commissioners and all other governing boards or governing authorities of all other taxing districts in Pinellas County including municipalities, whose taxes are assessed on the tax roll prepared by the county assessor, except the board of public instruction, shall reduce the millage to be levied by each such governing authority from what it was in the preceding year proportionate to the increase of the general level of assessed value over the preceding year, unless otherwise required by law to maintain a higher millage level in order to participate in state revenue sharing, or any other matching formula for funding of state or local governmental programs or projects. Provided, however, if in preparing its proposed budget for the year in which the reduction of millage is required such budget making authority determines

that the millage required for operating funds should be increased no more than ten per cent more than the millage determined in subsection (6) of this section it shall proceed as follows:

(a) The budget making authority shall cause to be published, at least one time in a newspaper of general circulation published in the county, the fact that said increase of not exceeding ten per cent is being proposed. Said advertisement shall state that the budget making authority will meet on a day fixed in the advertisement, not earlier than one week and not later than two weeks from the date of the advertisement for the purpose of hearing comments and complaints regarding the proposed increase and explaining the reasons for such proposal. Said meeting may coincide with the required public hearing on the tentative budget as required by law.

(2) In the event any budget making authority shall determine that due to impending emergencies said authority will require funds in excess of those anticipated, and that unless additional funds are made available the operation of said authority in meeting its legal duties and obligations will be seriously impaired and provided that such budget making authority has requested and obtained a ten per cent increase as set forth in subsection (1) herein, the said budget making authority may apply for an additional increase not to exceed five per cent of the millage as reduced by subsection (6), in the millage required to meet the budget for operating funds in the following manner:

(a) It shall adopt a resolution calling a public meeting for the purpose of explaining and discussing such proposed increase in the millage required to meet the budget and fix the time and place for such meeting, and it shall thereupon publish a notice of such meeting for two successive weeks in a newspaper of general circulation published in Pinellas County, which meeting shall be held not less than five nor more than ten days from the date of the last publication of the notice. At the meeting the proposed increase in the millage shall be explained and discussed by the budget making authority and opportunity afforded the taxpayers present to discuss and object to the same. Such notice shall briefly state the amount of increase sought and reasons for such increase.

(b) Such budget making authority shall then prepare and record in the minutes of its meeting, either general or special, a certificate of compliance with the above set forth proceeding; and

(3) The board of county commissioners and all other governing boards or governing authorities, referred to herein, shall decrease or increase the millage to be levied in compliance with this section; provided, however, nothing in this section shall be construed to authorize an increase in millage in excess of the maximum millage permitted by law nor to prevent the reduction of millage lower than required by this section.

(4) All references to millage and reduction of millage contained in this section shall apply to all millages levied on the basis of county tax assessors' rolls whether such millage is levied pursuant to local, special or general law.

(5) The provisions of this section shall apply in the year when there has been an increase in the general level of assessed value. The ratio by which all millages assessed in the preceding year shall be divided in order to secure the reduction proportionate to the increase in the general level of assessed value shall be the ratio of the total of assessed valuation in the current year to the total of assessed valuation in the preceding year. Such totals of assessed valuation shall exclude the value of all property and improvements not assessed in both years. The tax assessor shall maintain a separate list of all properties and improvements which are added to the tax rolls each year and a separate list of properties and improvements which are withdrawn from the rolls. The assessor shall certify to each budget making authority the ratio by which all millages must be reduced in order to comply with this section. If any budget making authority is dissatisfied with the tax assessor's determination of such ratio such authority may request the department of revenue to review the tax rolls and to determine the proportion by which the millages must be reduced to comply with this section. Such authority may then fix the millage based on the department of revenue's determination.

Section 2. Method of fixing millage in years subsequent to the year of revaluation.—

(1) In event of a millage reduction under the provisions of the preceding section 1, then in each and every year thereafter, the board of county commissioners, and the governing

boards or governing authorities of all other taxing districts, within Pinellas County including municipalities, may increase the millage to be levied by each such governing authority by no more than ten per cent of what it was in the preceding year, provided, however, nothing in this section shall be construed to authorize an increase in millage in excess of the maximum millage permitted by law.

(2) In the event any budget making authority shall determine that due to impending emergencies said authority will require funds in excess of those anticipated, and that unless additional funds are made available the operation of said authority in meeting its legal duties and obligations will be seriously impaired and provided that such budget making authority has obtained a ten per cent increase as provided in subsection (1), the said budget making authority may apply for an additional increase not to exceed five per cent of the millage authorized in subsection (1) in the millage required to meet the budget for operating funds in the following manner:

(a) It shall adopt a resolution calling a public meeting for the purpose of explaining and discussing such proposed increase in the millage required to meet the budget and fix the time and place for such meeting, and it shall thereupon publish a notice of such meeting for two successive weeks in a newspaper of general circulation published in Pinellas County which meeting shall be held not less than five nor more than ten days from the date of the past publication of the notice. At the meeting the proposed increase in the millage shall be explained and discussed by the budget making authority and opportunity afforded the taxpayers present to discuss and object to the same. Such notice shall briefly state the amount of increase sought and reasons for such increase.

(b) Such budget making authority shall then prepare and record in the minutes of its meeting, either general or special, a certificate of compliance with the above set forth proceeding.

(3)(a) In the event homestead exempt property has been included in determining the millage under the previous section 1, the tax assessor shall recertify the roll, and the millage which results shall be determined by excluding homestead exempt property in both the year of revaluation and the year preceding revaluation and use such millage in the year subsequent to the year of revaluation.

(b) Nothing contained in this section shall prohibit the application of the emergency provisions contained in subsection (2) in the preceding section 1 in applying the provisions of paragraph (a) of this subsection.

Section 3. Excluded millages.—

Section 1 of this act shall not be construed as to require the reduction of any millage:

That has been approved by a vote of the electors, pursuant to section 9 of article VII of the state constitution or of any millage required for the payment of bonds approved by the electors.

Section 4.

(1) The Pinellas County Board of Public Instruction in setting its millage shall comply with sections 5 through 10 of this act and is exempt from compliance with sections 1 through 3 of this act.

(2) If the Tampa Bay Regional Planning Council master sewer plan scheduled for release July 1, 1973 calls for a city to construct a new sewer plant or expand its existing plant and the governing body of said city elects to finance the project with additional millage in lieu of a bond issue, the levying of said additional millage shall be made in accordance with sections 5 through 10 of this act.

(3) Sections 5 through 10 of this act only apply to the taxing authorities and conditions in sub-sections (1) and (2) of section 4 of this act.

Section 5. Upon certification of the assessment roll as provided in section 193.122, Florida Statutes, 1971, the assessor shall certify to each taxing authority the preliminary taxable value within the jurisdiction of the taxing authority together with the millage (based on ninety-five percent (95%) of the taxable value) that will generate the same ad valorem revenue for that authority as was generated in the prior year.

Section 6. Each authority, after making its budget, shall not levy ad valorem taxes in excess of the assessor's certified millage unless the authority advertises with its budget its intention to exceed the certified millage and the millage (expressed as dollars per one thousand dollars (\$1,000) of taxable value) that the authority intends by its resolution to levy.

Section 7. No millage in excess of the assessor's certified millage shall be levied until the resolution to levy required in section 2 is ratified by a subsequent vote of the governing board of the taxing authority at least fourteen (14) days but not more than twenty-one (21) days after the resolution required by section 2. The board in ratifying the millage levy may set any millage equal to or less than the millage resolution set in section 2.

Section 8. If, after the initial millage vote provided for in section 2, the taxing authority determines that it requires a greater millage or fails to act in the specified period it shall readvertise and revote as required in section 2 and section 3.

Section 9. Notwithstanding any other provision of law, every county, school board, municipality, and other independent districts shall be responsible for the levy and imposition of its own ad valorem millage.

Section 10. Local taxing authorities shall maintain a millage level necessary to participate in state revenue sharing, maintain the local required effort under the state minimum foundation program or any other matching formula for funding of state or local governmental programs or projects.

Section 11. This act shall be automatically repealed on July 1, 1974.

Section 12. This act shall take effect upon becoming law.

Amendment 2—On page 1, in title, lines 3 through 19 strike and insert the following: A bill to be entitled A local act relating to Pinellas County; relating to tax assessments and providing a method of fixing millage; providing that governing bodies of counties, municipalities and other taxing districts shall decrease the millage required of such county or district in proportion to the increase of the general level of assessed valuation of property; authorizing a ten (10) percent increase in millage; providing for further millage increases in emergencies subject to limitations and review by the county budget commission; providing for verification of budgets and millage increases; specifying millages to be excluded from the reductions required by this act; providing a method of fixing millage by the Pinellas County board of public instruction; providing additional method for financing municipal sewer improvements; providing automatic repealer; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motions by Senator Deeb, the Senate concurred in House amendments 1 and 2 to SB 557.

SB 557 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

The Honorable Mallory E. Horne, President May 31, 1973

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

By Senator Horne—

SB 1337—A bill to be entitled An act creating a consolidated charter government for Leon County and the City of Tallahassee; providing general and urban services districts; providing legislative and executive branches and providing for the organization powers, duties and functions thereof; providing the powers of the consolidated government; providing powers and procedures with respect to budget and financial matters, including the levy of ad valorem and other taxes, expenditures, investments, debt service, bonds and pledges therefore; providing for local improvements, election of officers, retirement and pension systems and miscellaneous matters; providing method of amending this charter; providing for orderly transition of present governmental functions to the consolidated government; providing for a special election to ratify this charter; providing an effective date.

Which amendment reads as follows:

On page 1, line 23, strike All after the enacting clause and insert the following:

Article 1—General Provisions

Section 1.1. Consolidation of county and city; name; area affected.—The government of the City of Tallahassee, a municipal corporation created by chapter 8374, Laws of Florida, acts of 1919, and amendments thereto, and the government of Leon County, a political subdivision of the State of Florida, are hereby consolidated to form and create a consolidated government to be known as "The consolidated government of Tallahassee and Leon County," which shall have jurisdiction, exercise its powers and extend territorially throughout the area of Leon County as now or hereafter established, and this charter is enacted and adopted for the operation thereof pursuant to article VIII of the constitution of the State of Florida.

The consolidated government hereby created shall succeed to and be possessed of all the properties, rights, capacities, privileges, powers, franchises and immunities and be subject to all the liabilities, obligations and duties of said city and said county.

The consolidated government hereby created shall constitute a city and a county, or either of them. If any law applicable to cities and counties conflicts in any respect, the consolidated commission hereinafter provided for shall, by ordinance or resolution, elect and determine whether the consolidated government shall be considered a city or a county in respect to such conflicting law, and in making such election may determine in any instance that the urban district hereinafter provided for shall be considered a city and the general district hereinafter provided for shall be considered a county.

Section 1.2 Definitions.—Unless the context clearly requires a different meaning, the following words and phrases used in this charter shall mean:

Board: A number of persons appointed to serve and act in an advisory, supervisory or regulatory capacity in respect to a designated function or operation of the consolidated government.

City: The City of Tallahassee, Florida, as the same shall exist on the effective date of this charter.

Charter: The charter for consolidation of the governments of the City of Tallahassee and Leon county, Florida.

Commission: The consolidated commission as hereinafter provided for.

Comptroller: The comptroller of the consolidated government.

Consolidated Government: The government created and formed by consolidation of the governments of the City of Tallahassee and Leon County.

Constitution: The constitution of the State of Florida.

County: Leon County, Florida, as the same shall exist on the effective date of this charter.

Departments: The department of finance, the department of general services, the department of law, the department of planning, such other departments as shall be created by the Commission.

Divisions: A subdivision or subdivisions of an office or department for administrative or functional purposes.

Federal, Federal Government: The government of the United States of America.

Former Governments: The County of Leon and the City of Tallahassee as the same existed on the effective date of this charter.

General District: The area of Leon County as now or hereafter established.

General Law: The statutory law of the State of Florida of general application.

Mayor: the mayor of the consolidated government.

Officers: The clerk of the circuit court, the sheriff, the supervisor of elections, the tax assessor and the tax collector.

Ordinance: A legislative enactment of the consolidated commission.

Police Protection: Law enforcement, preservation of peace and good order, protection of persons and property and other functions and duties usually performed by the police force of a municipality to be performed by the division of police of the office of sheriff.

Proclamation: A statement, order or directive issued by the mayor and if issued during time of emergency as provided for in the charter has the force and effect of law.

Resolution: An expression, direction, statement or order of the consolidated commission.

Secretary: The secretary of the consolidated commission.

Special Laws: The statutory law of the State of Florida applicable to Leon County and the City of Tallahassee.

State: The State of Florida.

State Attorney: The state attorney of the second judicial circuit of the State of Florida.

Urban District: The area of the City of Tallahassee and such other areas as may hereafter be designated as a part of the urban area.

Section 1.3 Powers of the consolidated government.—The consolidated government shall have the following governmental, corporate and proprietary powers and shall exercise the same throughout the area of the consolidated government, except as specifically limited herein, to-wit:

(a) Any and all powers of the County of Leon and the City of Tallahassee upon the effective date of this charter.

(b) Any and all powers which consolidated governments, cities and counties now have or may hereafter have under the constitution and general laws of the state.

(c) All powers necessary and proper to perform consolidated government, city and county functions and render consolidated government, city and county services.

Section 1.4. Construction of grants of power.—The grants of power to the consolidated government shall be liberally construed in favor of the consolidated government and failure to mention or enumerate powers herein shall not be construed as a limitation, denial, withholding or withdrawal of any power and the consolidated government shall have such power or powers as if specifically set forth herein.

Section 1.5. Organization of consolidated government.—The powers of the consolidated government shall be divided among the legislative and executive branches as follows:

(a) All legislative power and authority is vested in the consolidated commission.

(b) All executive power and authority is vested in the county officers and the mayor.

(c) No power belonging to one branch of the consolidated government shall be exercised by either of the other branches except as provided in this charter.

Section 1.6. Application of general or special law.—Any general law or applicable special law that shall relate to a board of county commissioners, city commission, city council, or other governing body of a county or a municipality, or relate to the presiding officer of any such board, commission, council or other governing body of a county or municipality shall be construed to relate to the consolidated commission and to the presiding officer, thereof.

Any general or applicable special law that shall relate to the clerk of the circuit court in his capacity as ex officio clerk of the board of county commissioners, or as ex officio auditor and custodian of county funds, shall be construed to relate to the comptroller.

Any general or applicable special law that shall relate to a city or a county shall be construed to relate to the consolidated government.

Article 2—General and Urban Districts

Section 2.1. General and urban districts; establishment; designation; area.—The consolidated government shall, within the geographical limits thereof, comprise two (2) service districts, to-wit: A general district and an urban district.

The general district shall consist of the total area of the consolidated government. The urban district shall consist of the total area of the city as the same exists on the effective date of this charter.

Section 2.2. Services within general district.—The consolidated government shall provide for the following services and functions in the general district: general administration, law enforcement, jails, health, welfare hospitals, streets and roads, engineering services, parks and recreation, library services, airport, planning and zoning, electricity, alcoholic beverage regulation and supervision, fire protection, regulation of garbage and refuse collection and disposal, agricultural service, veterans' service, and child and juvenile care. The foregoing enumeration shall not limit or restrict the consolidated government in providing for any county or municipal service or function in the general district.

Section 2.3. Services within urban district.—The consolidated government shall provide for the following services and functions in the urban district: police protection, water supply, sanitary sewers, street lighting, street cleaning and garbage and refuse collection and disposal. The foregoing enumeration shall not limit or restrict the consolidated government in the providing of any county or municipal service or function in the urban district.

Section 2.4. Expansion of urban district.—Whenever any area of the general district not included in the urban district shall need urban services and the consolidated government is able to provide such service within a reasonable period, which shall not be greater than two (2) years, the consolidated government, by ordinance, shall designate such area as a part of the urban district. The validity of such designation may be contested by the methods and procedures provided by general law with respect to annexation by municipalities.

Section 2.5. Applicability of homestead law.—That part of the general district not included in the urban district shall be deemed to be a rural area and a homestead in such rural area shall not be limited as if in a city or town. Whenever any area is designated as urban district a homestead within such urban district shall be limited as if in a city or town.

Article 3—The Consolidated Commission and Mayor

Section 3.1. Consolidated commission created; membership; qualifications; commission districts; compensation.—The legislative power of the consolidated government, except as otherwise provided in this charter, shall be and is vested in a consolidated commission consisting of seven (7) members. A commissioner shall be a qualified elector and resident of Leon County. If he ceases to be an elector or resident of Leon County, he shall forthwith forfeit his office. There shall be five (5) commission districts, which shall be as nearly equal in population as possible. Each district shall elect one commissioner who shall reside in said district. Two (2) of the commissioners may reside in any district and shall be elected at large. The existing county commission districts shall constitute the five districts for the purpose of the first election of the commission as required in Article 16 hereof. Thereafter the commission shall from time to time fix the boundaries of said districts so as to keep them as nearly equal in population as possible. Whenever said district boundaries are changed, the commission shall follow the procedures prescribed by law for the change of county commission districts.

A commissioner shall not hold any other office or employment in the consolidated government during his term of office.

Section 3.2. Compensation.—The salary of the members of the commission shall be the amount provided by general law for members of the board of county commissioners of Leon County, Florida.

Section 3.3. Organization of the commission.—The first meeting of the commission after the first day of each year shall be an organizational meeting for installation of new commissioners and election of the president of the commission, the president pro tempore of the commission, and the appointment of the secretary of the commission, and other appointments to positions or places under this charter, or ordinances enacted pursuant to this charter, except such appointments to be made at a different time as specified in this charter. The president of the commission shall preside at all meetings of the commission during the year in which he is elected to preside, and in his absence the president pro tempore shall preside.

Section 3.4. Mayor; qualifications and term of office; compensation.—

(a) The mayor shall be a qualified elector of Leon County and a resident of Leon County, and shall have resided in Leon County for at least five (5) years prior to the date on which he qualified to run for the office of mayor. If he shall cease to possess any such qualifications during his term of office, he shall forthwith forfeit the office and the commission shall remove him therefrom. He shall be elected for a period of four (4) years, and serve until his successor is elected and qualified. No mayor elected and qualified for two (2) consecutive terms shall be eligible for election as mayor in the next succeeding term. The mayor shall devote his entire time to the performance of the duties of his office, and shall hold no other public office or public employment.

(b) The initial salary of the first mayor shall be thirty thousand dollars (\$30,000.00) per year. Thereafter, the commission may by ordinance change the salary of the mayor, but no ordinance shall be effective to reduce or increase the salary of the mayor during any term of the mayor unless adopted or approved by the commission at least ninety (90) days prior to the consolidated government primary election immediately preceding such term.

Section 3.5. Mayor; powers and duties; mayor's veto power.—

(a) The executive power of the consolidated government shall be vested in the mayor and the departments and divisions created hereby or pursuant hereto. The mayor shall be the chief executive and administrative officer of the consolidated government. He shall be responsible for the conduct of the executive and administrative departments of the consolidated government.

(b) The mayor shall administer, supervise and control all departments and divisions created by this charter and all departments and divisions created by ordinance or resolution hereafter. The mayor shall appoint all directors and deputy directors of departments and shall appoint the chief of each division within such department. All directors and deputy directors of departments and all division chiefs appointed by the mayor shall serve at the pleasure of the mayor.

(c) The mayor is authorized to require any executive officer of the consolidated government to submit to him written or oral reports and information relating to the business and affairs of the consolidated government.

(d) The mayor shall from time to time submit reports and recommendations to the commission with respect to the financial condition, business and general welfare of the consolidated government and all offices, departments and divisions thereof.

(e) The mayor shall submit to the commission an annual budget for the consolidated government as provided for in article 11 of this charter.

(f) The mayor may veto any ordinance or resolution adopted by the commission except ordinances and resolutions relating to:

- (1) Designation of areas as a part of the urban district.
- (2) Appointments to any board.
- (3) Rezoning of property of variances.

(4) The auditor, the secretary of the commission, or other employees of the commission.

(5) Internal affairs of the commission.

(6) Investigations by the commission or any duly appointed committee thereof.

Any ordinance or resolution adopted by the commission over which the mayor has a veto power shall be presented to the mayor for his consideration and recommendations. If he approves the ordinance or resolution, he shall sign it and it shall become effective according to the terms thereof. If he disapproves, he shall return the ordinance or resolution to the commission without his signature, accompanied by a message indicating the reasons for his disapproval and recommendations. Any resolution or ordinance so disapproved by the mayor shall become effective only if, within fifteen (15) days subsequent to its return, it shall be adopted by at least five (5) affirmative votes of the commission present at any meeting; except that if the mayor vetoes any item in the consolidated budget appropriation, at least four (4) affirmative votes of the members of the commission shall be required to adopt the item as law over the mayor's veto. Any resolution or ordinance shall become effective on the date provided therein unless it be disapproved by the mayor and returned to the commission at or prior to the next regular meeting of the commission occurring ten (10) days or more after the date when the ordinance or resolution was delivered to the mayor's office for consideration.

The mayor may disapprove the sum of money appropriated by any one or more items, or parts of items, in any ordinance appropriating money for the use of the consolidated government or any independent agency, in any manner provided herein. The one or more items, or parts of items, disapproved or reduced shall be void to the extent that they have been disapproved or reduced, unless they shall be restored to the ordinance and become effective by the vote of at least four (4) of the members of the commission.

Section 3.6. Mayor's absence.—During any absence of the mayor from Leon County, the mayor may designate the president of the commission to be acting mayor, with all powers of the office.

Section 3.7. Meetings.—

(a) The commission shall hold regular meetings as provided by ordinance of the commission, provided, at least three (3) such meetings are held each month and may recess and reconvene such meetings at such times as it may fix.

(b) Upon actual notice to members of the commission or upon 6 hours written notice delivered to the commissioner's place of residence or business as designated by him in the minutes of the organizational meeting, special meetings of the commission may be held when called by the mayor or the president of the commission and shall be called whenever request in writing by a majority of the commission is filed with the secretary of the commission.

(c) If all seven (7) members of the commission are present at any special meeting the requirement for notice may be waived.

(d) The meetings of the commission shall be held in a building designated by the commission for that purpose, provided, however, that meetings may be held in a different place after reasonable public notice thereof, except that if such change of meeting place shall be occasioned by reason of casualty, the requirement for public notice shall not be required.

Section 3.8. Quorum; rules of procedure.—Four (4) members of the commission shall constitute a quorum for the transaction of business. The commission shall establish its own rules of procedure and order of business and shall provide for keeping its minutes in a journal which shall be a public record. Minutes shall be approved by the commission and authenticated by signature of the president and secretary.

Section 3.9. Legislative authority.—The commission shall have power to legislate with respect to all powers of the consolidated government and by ordinance provide for the organization, conduct and operation of the consolidated government when not otherwise provided for in this charter.

Section 3.10. Enactment of ordinances.—

(1) In exercising ordinance-making powers the commission shall adhere to the following procedures:

(a) The regular enactment procedure shall be as follows:

Every proposed ordinance shall be introduced in written or printed form and shall embrace but one subject and matter properly connected therewith, which subject shall be briefly expressed in the title; but general appropriation ordinances may contain the various subjects for which moneys are appropriated. The enacting clause of all ordinances shall be "Be it Enacted by the Consolidated Commission of Tallahassee and Leon County." No ordinance, unless it be an emergency ordinance, shall be passed until it shall have been read at two meetings, not less than one week apart, unless such requirement be dispensed with by at least six (6) affirmative votes of the commission.

All ordinances passed by the commission shall become effective as provided therein. An emergency ordinance is one which in the opinion of the commission, expressed by at least six (6) affirmative votes is necessary for immediate protection or preservation of the peace, safety, health or property of the consolidated government, or the area or the inhabitants thereof; or providing for the usual daily operations of the consolidated government, or any of its departments. The nature of the emergency requiring passage of the emergency ordinance shall be set forth in a preamble to the ordinance. Appropriation of money may be made by emergency ordinance but no ordinance making a grant or renewal or extension of a franchise or other special privilege or establishing or regulating the rates to be charged by any public utility for its service shall be passed as an emergency ordinance.

(b) On final passage of an ordinance a vote shall be taken by "Ayes" and "Noes" and the names of the commissioners voting for or against the same shall be entered in the minutes.

(c) Copies of ordinances or amendments thereto enacted by the commission shall be filed in the Florida department of state by the secretary of the commission within ten (10) days after enactment.

Section 3.11. Authentication; recording of ordinances and resolutions.—The secretary of the commission shall authenticate by his signature and record in full in a properly indexed book kept for that purpose all ordinances and resolutions adopted by the commission and the same shall be a public record. The commission may make such arrangements as it deems desirable with respect to the reproduction, distribution and codification of such ordinances or resolutions as it may have adopted.

Section 3.12. Secretary.—The commission shall appoint the secretary of the commission to serve at the pleasure of the commission. The secretary shall keep the minutes, journal and other records of the commission, and perform such other duties as may be required of him by the commission and this charter. He shall have all powers of clerk of circuit court as ex officio clerk of board of county commissioners except as otherwise provided herein.

Section 3.13. Terms of appointees.—All appointees of the commission shall serve at the pleasure of the commission, except as provided in this charter.

Section 3.14. Interference with employees.—Neither the commission nor any of its members shall dictate or demand the employment or discharge of any person by the mayor or in any manner prevent the mayor from exercising his own judgment in selecting the personnel of his administration. Neither the commission nor any member thereof shall give orders to any of the subordinates of the mayor or county officers either publicly or privately. Any such dictation, demands or orders, upon the part of a member of the commission with the administration of the consolidated government shall constitute grounds for removal from office or such other actions as may be prescribed by the commission. Any employee of the consolidated government may file written petition to the commission for redress of any grievance.

Section 3.15. Audit.—All offices, departments, divisions and boards of the consolidated government shall be subject to audit by the auditor general of the state of Florida or such other audit as shall be prescribed by general law, and the commission may provide for independent audit of all or any part of the operations of the consolidated government, and the commission may appoint an auditor of the consolidated government to serve at the pleasure of the commission; the appointed auditor shall reside within the territorial limits of the consolidated government during his period of service and his compensation shall be fixed by the commission.

Article 4—Departments

Section 4.1. Departments established.—The following departments of the consolidated government are hereby established:

(a) Department of general services, to include a division of purchasing, which department shall be under the direction of the mayor.

(b) Department of finance, which department shall be under the direction of the comptroller.

(c) Department of law, under the direction of the commission attorney.

(d) Department of planning, under the direction of the director of planning.

Changes in the departmental organization of the consolidated government, including combinations, terminations or creations of departments or divisions, transfers of responsibility between departments or divisions, or changes in the salaries of department directors or division chiefs, may be made only by ordinance of the commission; provided that the department of finance, the department of law and the department of planning, and the department of general services, including the division of purchasing as established hereby shall not be abolished.

Section 4.2. Directors of departments; divisions and division chiefs.—

(a) There shall be a director of each department who shall be the principal officer of the department and responsible for all of its operations. Each director shall be appointed by the mayor and shall be confirmed by the commission and shall serve until removed by the mayor. Each director shall conduct the affairs of his department in accordance with the rules and regulations made by the mayor. Each director shall be subject to the supervision and control of the mayor in all matters and shall be responsible for the conduct of the officers and employees of his department, for the performance of its function, and for the custody of books, records, papers and property under its control. The mayor may also appoint such deputy directors of each department as he deems advisable and the commission may approve.

(b) The work of each department shall be distributed among such divisions thereof as are established by this charter, or hereafter created by ordinance. Each division shall have a division chief who shall be the principal officer of the division and responsible for all its operations. Each division chief shall be appointed by the mayor and confirmed by the commission and shall serve at the pleasure of the mayor.

(c) The compensation to be received by Directors of Departments, deputy directors and division chiefs shall be set by the Commission in the annual appropriation ordinance.

Article 5—The Department of Finance

Section 5.1. The department of finance created; functions.—There shall be a department of finance of which the comptroller shall be director, which department shall administer and be responsible for the financial affairs of the consolidated government in accordance with the provisions of this charter and applicable ordinances.

Section 5.2. Comptroller; appointment; powers and duties.—The comptroller shall be appointed by the mayor and shall be confirmed by the commission and shall serve at the pleasure of the mayor. He shall reside within the territorial limits of the consolidated government during his period of service and his compensation shall be fixed by the commission.

The comptroller shall be responsible for the administration of the financial affairs of the consolidated government under the direction and supervision of the mayor and shall:

(a) Compile for the mayor estimates of anticipated revenues and proposed expenditures for each officer, department, division and board of the consolidated government.

(b) Maintain accounting systems for the consolidated government and the districts herein in accordance with recognized accounting principles and procedures and exercise financial and budgetary control over the operations of the consolidated government.

(c) Prescribe the accounts to be kept by the consolidated government, the forms of receipts, vouchers, bills or claims, warrants, requisitions, purchase orders or any financial stationery to be used and provide suitable instructions for the use thereof.

(d) Prescribe the times and the manner in which monies accruing to the consolidated government shall be deposited in bank accounts to the credit of the consolidated government.

(e) Examine all contracts, purchase orders and other documents which would result in or involve financial obligations against the consolidated government and approve the same only after ascertaining that there is an unexpended, unencumbered and unimpounded balance in each appropriation and allotment to which they are applicable sufficient to cover such obligation or potential obligation.

No contract, agreement or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be passed by the commission unless the comptroller first certifies to the commission that the money required for such contract, agreement, obligation or expenditure, is on deposit to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose. The sum so certified shall not thereafter be considered unappropriated until the consolidated government is discharged from the contract, agreement or obligation. All moneys actually on deposit to the credit of the fund from which they are drawn, and all moneys applicable to the payment of obligations or appropriations involved, that are anticipated to be received before the maturity of such contract, agreement or obligation, from any source, be deemed to the credit of the appropriate fund and subject to such certifications.

(f) Audit before payment all bills, invoices, payrolls and other claims, demands or charges against the consolidated government and approve the same only if duly authorized by appropriation or allotment of appropriations.

(g) Submit a monthly financial report to the mayor and to the commission showing the financial condition of the various funds of the consolidated government, together with estimated revenues to accrue thereto and expenditures to be made therefrom.

(h) With the approval of the commission, designate banks and other depositories for deposit of funds of the consolidated government, and invest the funds of the consolidated government as may from time to time be appropriate except those funds of the consolidated government which are to be invested by action of the investment committee hereinafter provided for.

(i) Maintain an inventory of the public property of the consolidated government.

(j) Be the custodian of the seal of the consolidated government and of all records and papers of general character pertaining to the affairs of the consolidated government, except as otherwise provided in this charter or by ordinance.

(k) Attend all meetings of the consolidated commission.

(l) Appoint and remove all subordinate employees of said department.

(m) Perform all duties of the clerk of the circuit court as ex officio auditor and custodian of funds and such other duties and functions as shall be assigned to him by this charter or by ordinance.

Section 5.3. Attestation by comptroller.—No contract made in behalf of the consolidated government nor to which the consolidated government is a party shall be valid unless the signature of the mayor is attested by the comptroller.

Section 5.4. Comptroller as collector.—The comptroller shall be the collector of all revenues accruing to the consolidated government, except as otherwise provided in this charter.

Section 5.5. Deputy comptroller; appointment; function.—The mayor may appoint a deputy comptroller who shall have the power and authority in the name of the comptroller to execute all powers and duties of the comptroller.

Article 6—The Department of Law

Section 6.1. Department created.—There shall be a department of law in the consolidated government of which the commission attorney shall be director.

Section 6.2. The commission attorney shall be appointed by the mayor and shall be confirmed by the commission and shall serve at the pleasure of the mayor. He shall be an attorney at law who shall have been a member of The Florida Bar for at least five (5) years. He shall reside within the territorial limits of the consolidated government during his period of service and his compensation shall be fixed by the commission. The mayor, upon recommendation of the commission attorney, may appoint such additional commission attorneys as may be necessary who shall have such powers and perform such duties as shall be assigned by the commission attorney.

Section 6.3. Function of department.—The department of law, by and through the commission attorney and assistant commission attorneys, shall:

(a) Furnish legal advice and opinions to the commission, to the mayor and to all other departments, divisions and boards of the consolidated government concerning official powers and duties.

(b) Represent the consolidated government in all proceedings in which it is a party or may have an interest.

(c) Prepare or assist in preparing proposed ordinances for introduction upon request of any member of the commission.

(d) Prepare or approve as to form all contracts, bonds and other instruments in writing in which the consolidated government is concerned, and endorse thereon his approval of the form and correctness thereof.

(e) Codify or cause to be codified and published all of the general ordinances of the consolidated government. The first general codification shall be published within one year after the effective date of this charter and shall be kept current by annual supplements. The commission may direct that special laws applicable to the consolidated government or the area of the consolidated government be included in such codification.

(f) Perform such other duties pertaining to the legal affairs of the consolidated government as may be assigned by the mayor.

Section 6.4. Budget.—The commission attorney shall prepare and submit to the controller a budget estimate of funds for operation of the department.

Section 6.5. Employment of special counsel.—Whenever the interests of the consolidated government required special counsel, the commission, by resolution, may employ special counsel. No department, division or board, nor the personnel thereof shall employ special counsel except by action of the commission.

Article 7—Department of General Services

Section 7.1. Department created.—There shall be a department of general services of which the mayor shall be director and which shall include a division of purchasing.

Section 7.2. Functions of department.—All executive powers and duties and all functions and services of the consolidated government shall be exercised, performed and provided by the department of general services, except as otherwise provided in this charter.

Section 7.3. Divisions.—The commission, by ordinance, may establish divisions of the department of general services and prescribe the duties and functions thereof, provided, the division of purchasing and the functions thereof shall not be abolished or transferred to any other department or division.

Section 7.4. Division of purchasing.—The division of purchasing shall purchase or obtain by lease or rental all items necessary for use of the consolidated government.

Section 7.5. Division chief.—The division chief of the division of purchasing shall administer the division and shall:

(a) Establish and enforce specifications for all supplies, material and equipment.

(b) Prescribe the time for making requisitions for supplies, materials and equipment and the period for which such requisitions are made.

(c) Inspect or provide for inspection of all supplies, materials and equipment purchased or leased and cause tests to be made when necessary or expedient in order to determine their quality, quantity and conformance with specifications.

(d) Supervise and control central duplicating, printing, and other similar facilities provided for the offices, departments, divisions and boards of the consolidated government.

(c) Transfer supplies, materials or equipment to or between departments, divisions, and boards of the consolidated government and sell or trade surplus, obsolete or unused supplies, materials or equipment.

(f) Perform such duties with regard to the letting of contracts for public works or improvements as may be provided in this charter or by ordinance and have such other powers and perform such other duties as may be provided by ordinance.

(g) Submit a monthly report of his activities to the mayor.

Section 7.6. Competitive bidding for purchases or sales.—

(a) Before making a purchase or contract requiring the expenditure of a sum in excess of two hundred dollars (\$200.00) but not in excess of two thousand dollars (\$2,000.00), opportunity for competition in the making of such purchase or contract shall be provided.

(b) Before making a purchase or contract requiring expenditure of a sum in excess of two thousand (\$2,000.00), competitive bids shall be taken under rules and regulations established by the commission.

(c) Before making any sale, competitive bids shall be taken under rules and regulations established by the commission.

(d) All other purchases or contracts shall be made under such conditions, rules and regulations as prescribed by the commission.

Article 8—Department of Planning

Section 8.1. Department created.—There shall be a department of planning of which the director of planning shall be director.

Section 8.2. Director of planning.—The director of planning shall be appointed by the mayor and shall be confirmed by the commission and shall serve at the pleasure of the mayor. He shall reside within the territorial limits of the consolidated government during his period of service.

Section 8.3. Functions of department.—The department of planning, through the director of planning, shall:

(a) Create and maintain, in up-to-date form, detailed existing conditions data including but not limited to, land use characteristics, population, the economy, housing, physiography and areawide base mapping.

(b) Prepare, as a guide for long and short range development of the consolidated government, general physical plans with respect to the pattern and intensity of land use and the provision of public facilities, including transportation, hospital, utility, recreation, library and cultural facilities, open space areas and such other systems and facilities as are generally related to the comprehensive development of the area.

(c) Prepare such special studies and plans as may periodically be needed, including but not limited to housing, environmental impact, community value and urban district expansion studies.

(d) Administer the zoning codes, plat regulations and other land use laws and ordinances.

(e) Provide technical planning assistance to the planning commission.

(f) Perform such other duties relating to planning and urban development as may be assigned by the mayor.

Article 9—County Officers

Section 9.1. General provisions.—There shall be elected by the electors of the consolidated government a clerk of the circuit court, a sheriff, a tax assessor, a tax collector and a supervisor of elections, hereinafter called "county officers." County officers shall be electors and shall be elected as provided in this charter, shall take the oath and give bond, submit estimates or budgets for operation of their offices, and each shall have all of the powers and perform all of the duties appertaining to their respective offices as provided by the constitution, the general law, applicable special law, this charter and ordinances except the clerk of the circuit court as hereinafter provided.

The compensation of county officers shall be fixed by ordinance of the commission, provided, however, that said compensation shall not be less than provided for those offices by general law.

Section 9.2. Facilities; personnel.—Each county officer shall be provided with suitable office space and funds for the operation of his office, including such appropriations as shall be required by general law.

Section 9.3. Clerk of the circuit court.—The clerk of the circuit court shall be the clerk of such court and clerk of all other courts in and for Leon County and the consolidated government as now or hereafter constituted except as otherwise provided by this charter, he shall be the county recorder, and shall have all the powers and perform all of the duties of the office of clerk of the circuit court prescribed and required by the constitution, general law and applicable special law, except that he shall not have the power or perform the duties of clerk of the board of county commissioners, not have the powers nor perform the duties of ex officio auditor of the county, nor be custodian of county funds or funds of the consolidated government, which powers and duties are hereby transferred to the comptroller. This section shall not be construed to alter or affect the powers and duties of the clerk of the circuit court as collector of state revenue, but he shall not collect taxes, assessments or revenues of the consolidated government. All fees, revenue, income and commissions of the office of the clerk of the circuit court shall accrue to the consolidated government and shall be deposited to the credit of the consolidated government as provision shall be made therefore in accordance with this charter.

Section 9.4. Sheriff.—The sheriff shall be the conservator of the peace and responsible for law enforcement within the area of the consolidated government. He shall have all the powers and perform all the duties of the office of sheriff as prescribed and required by the constitution, the general law, applicable special law and this charter. He shall have all powers of law enforcement possessed by the City of Tallahassee on the effective date of this charter. He shall be responsible for and charged with the duty of preserving public peace, prevention and detection of crime, apprehension of criminals, protection of property rights, enforcement of the laws of the State of Florida, enforcement of ordinances of the consolidated government and maintenance and operation of the jail. He shall be executive officer of the circuit court in and for Leon County, Florida, all county courts and courts of the consolidated government. He shall establish divisions within his office, including a division of police and appoint the heads of such divisions.

All fees, revenues, income and commissions of the office of sheriff shall accrue to the consolidated government and shall be deposited to the credit of the consolidated government as provision shall be made therefore in accordance with this charter.

Section 9.5. Tax assessor.—

(a) The tax assessor shall be responsible for assessing all real and tangible personal property in the consolidated government. He shall have all the powers of tax assessment of Leon County and of the City of Tallahassee on the effective date of this charter. It shall be the duty of the tax assessor to perform all functions or duties which are imposed upon county and municipal tax assessors by general or applicable special law.

(b) The tax assessor shall assess all properties according to the Florida constitution, general law and applicable special law of the State of Florida. The tax assessor shall make ad valorem assessments in and for both the general district and the urban district. The assessments made by him shall be the assessments to which the tax levy by the commission for the general district and for the urban district shall apply. The tax assessor shall assess all property annually.

Section 9.6. Tax collector.—The tax collector shall collect all real, personal, license and intangible taxes as prescribed by general law, applicable special law, this charter, or by ordinance. He shall have all the powers of tax collection of Leon County and of the City of Tallahassee on the effective date of this charter.

Ad valorem taxes in the general district and in the urban district shall become due and payable on the first day of November of the year in which they are assessed. The collec-

tion, delinquency, interest, penalties and lien of such taxes shall be as provided by general law, this charter and ordinances not inconsistent with general law.

All revenues collected by the office of tax collector shall accrue to the consolidated government and shall be deposited to the credit of the consolidated government or provision shall be made therefor in accordance with this charter.

Section 9.7. Supervisor of elections.—The supervisor of elections shall maintain rolls of qualified electors of the consolidated government and shall conduct all elections. The supervisor shall perform all duties imposed by general or special law on the supervisor of elections for Leon County, and the City of Tallahassee on the effective date of this charter, conduct all consolidated government elections and perform such other duties as are prescribed by this charter or by ordinance.

Section 9.8. Construction.—It is the intent and purpose of this article to recognize the independence of officers and that their respective duties and powers are regulated by the constitution, general law and applicable special law, and such officers shall exercise the powers and perform the duties of their respective offices in accordance therewith, and nothing herein contained shall be construed to infringe upon the powers of such officers nor impose upon them duties contrary to the constitution, general law or applicable special law, except as the same is or may be lawfully done by this charter or ordinances.

Article 10—The Budget and Financial Matters

Section 10.1. Fiscal year.—The fiscal year of the consolidated government shall begin October 1 of each year and end September 30, next following and shall constitute the budget year and the year for financial accounting and reporting of all officers, departments, divisions and boards of the consolidated government.

Section 10.2. Annual estimate.—The mayor of the consolidated government, in his annual report and proposed budget on or before July 15 of each year, shall set forth an estimate of the expenditures and revenues of the consolidated government for the ensuing year arranged as nearly as practicable to correspond to the officers, departments and divisions of the consolidated government and shall give the following information:

(a) Detailed estimate of the expense of conducting each office, department and division of the consolidated government, including public utilities and other operations of the consolidated government.

(b) Expenditures for corresponding items during the two previous fiscal years.

(c) Amount of supplies and material on hand.

(d) Increase of demands compared with the corresponding appropriations for the last fiscal year.

(e) Such other information as is required by the commission or as the mayor may deem advisable to submit.

The estimates so given and recommended by the mayor as the amounts necessary to be appropriated for the ensuing fiscal year shall be supported with such information as will afford the commission a comprehensive understanding of the needs and requirements of the various operations of the consolidated government for the ensuing year.

Copies of the report and estimates of the mayor shall be prepared and filed with the comptroller of the consolidated government for inspection by the public.

(f) All officers shall submit to the comptroller such uniform estimates or budgets for the operation of their offices as is required by the commission and in such form as is required by the commission for approval, disapproval or amendment by the commission in the enactment of the annual appropriation ordinance.

Section 10.3. Appropriation ordinance.—The commission shall consider the estimates before passing an appropriation ordinance for the ensuing year. After such appropriation ordinance has been introduced and before passage, the commission shall cause it to be published one time in a newspaper of general circulation in the area of the consolidated government, and shall state in said publication the time and place same will be acted on finally, and shall also state in such notice that the estimates

of the mayor upon which the same is based are on file for inspection of the public at the office of the comptroller of the consolidated government. Such ordinance shall not be acted upon by the commission until at least five (5) days after such publication.

Section 10.4. Transfer of funds.—The commission may transfer any part of an unencumbered balance of an appropriation to any other lawful purpose.

Section 10.5. Limitation on appropriations.—At the close of each fiscal year the unencumbered balance of each appropriation shall revert to the respective fund from which it was appropriated and shall be subject to future appropriation. Any accruing revenue of the consolidated government, not appropriated as hereinbefore provided, and any balance at any time remaining after the purpose of the appropriation shall have been satisfied or abandoned, may from time to time be appropriated by the commission to such use as will not conflict with any uses for which such revenues specifically accrued. No money of the consolidated government shall be drawn nor shall any obligation for the expenditure of money be incurred, except pursuant to appropriation made by the commission.

Section 10.6. Payment of claims.—No warrant for the payment of any account or claim against the consolidated government shall be issued until such account or claim shall have been approved by the head of the department for which the indebtedness was incurred and by the mayor.

Section 10.7. Annual levies.—The commission shall determine the amount, fix the rate of taxation and make the annual tax levy on the taxable property within the limits of the consolidated government in such amounts as may be necessary to carry on the operations of the consolidated government, and in addition thereto, shall have the right to levy for payment and service of bonds of the consolidated government; and to pay any lawful judgment which may be secured against the consolidated government and which the consolidated government may be compelled to satisfy. The commission shall provide and the tax levy in the urban district based upon reasonable relations between services rendered in the general district and in the urban district and the costs thereof.

Section 10.8. Licenses; constitute legal indebtedness.—The commission shall be authorized to levy and impose license taxes, by ordinance, for the purposes of regulation and revenue, upon all occupations and privileges, and to determine and fix the amounts to be paid, which amounts shall not be limited or restricted by general law; to provide for the collection of the same, and to provide penalties for failure or refusal to pay such license taxes. All such license taxes, so imposed, shall constitute a legal indebtedness to the consolidated government which may be recovered in any court of competent jurisdiction.

Section 10.9. Certification of funds prerequisite to expenditure.—No contract, agreement or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be passed by the commission or be authorized unless the comptroller first certifies that the money required for such contract, agreement, obligation or expenditure, is available in the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed in the appropriate record of the consolidated government. The sum so certified shall not thereafter be considered unappropriated until the consolidated government is discharged from the contract, agreement or obligation. All moneys actually in the fund from which they are drawn, and all moneys applicable to the payment of obligations or appropriations involved, that are anticipated to be available before the maturity of such contract, agreement or obligation, from taxes or assessments, or from sales or services, products or byproducts, or from any governmental undertaking, fees, charges, accounts receivable, or other claims in the process of collection; and all moneys applicable to the payment of such obligation or appropriation, which are to be available prior to the maturity thereof, arising from the sale or lease of lands or other property and the money to be derived from lawfully authorized bonds or revenue certificates sold and in the process of delivery, shall for the purpose of such certificate, be deemed available to the credit of the appropriate fund and subject to such certification.

Section 10.10. Audit and certification of claims.—All claims and demands against the consolidated government, before they are allowed by the commission, shall be examined and adjusted

and their fiscal correctness certified by the comptroller. He shall keep a record of his accounts and of all contracts to which the consolidated government is a party, with an index thereto, and such books shall be public records.

Section 10.11. Monthly reports.—The comptroller shall submit monthly detailed reports of receipts and disbursements to the commission.

Section 10.12. Investment committee; creation; composition; election of members; meetings.—There is hereby created the investment committee of the consolidated government, the members of which shall constitute the trustees of the sinking funds of said consolidated government, composed of the members of the commission and three citizens and residents of the area of the consolidated government knowledgeable in investments, elected by the commission. The three (3) members elected by the commission shall hold office for a term of three (3) years, except that the first three (3) members so elected shall be elected for one year, two year and three year terms respectively, to commence upon the effective date of this charter; and thereafter the commission shall elect a member of said board annually at the organizational meeting of said commission and shall fill any vacancies as they may occur. The mayor shall be the chairman of committee. The committee shall fix the date, time and place of meetings and provide for the call of special meetings.

Section 10.13. Duties.—The investment committee shall manage and control the sinking funds created and accumulated for the retirement and payment of the principal and interest of all bond issues and revenue certificates heretofore or hereafter issued by the consolidated government. The committee shall invest said sinking funds to the best advantage of the consolidated government pursuant to the affirmative vote of nine of the ten members of the committee and invest said funds so that sufficient cash moneys will be on hand to meet all payments of interest or principal of the bonds or revenue certificates of the consolidated government when due.

Section 10.14. Investment of funds of pension, annuity and retirement systems; authority to borrow from said systems.—Subject to the limitations of having sufficient moneys on hand to meet all payments required under any pension, annuity and retirement system administered by the commission, the investment committee may invest in any revenue certificates of the consolidated government, and the consolidated government shall have the right to borrow money from any such pension, annuity and retirement sinking fund for any lawful purpose and issue revenue certificates of indebtedness and pledge as security for the payment thereof any revenue source of the consolidated government.

Article 11—Bonds

Section 11.1. Definitions.—For the purposes of this article the following words shall be defined, as follows:

(a) "Bonds" shall mean ad valorem bonds, revenue bonds, certificates of indebtedness, special assessment bonds and certificates, and other evidences of indebtedness.

(b) "Revenue bonds" shall mean bonds payable solely from the revenues derived from sources of revenue other than ad valorem taxes on real and personal property.

(c) "Ad valorem bonds" shall mean bonds and the interest thereon which are payable from the proceeds of ad valorem taxes levied on real and personal property situated in Leon County or any part thereon.

(d) "Lowest cost" shall mean the net cost including discount and net interest.

Section 11.2. Outstanding bonds issued by former governments.—All outstanding bonds issued by the former governments shall be and are obligations of the consolidated government; however, payment of such obligations and the interest thereon shall be made solely from and charged against funds derived from the same sources from which such payment would have been made had this charter not become effective. When ad valorem taxation is pledged to meet the debt service requirements of any bonds issued by either such former government, taxes shall be levied by the consolidated government for the payment of such bonds only on property which is located in the area where property was taxable for the payment of such bonds immediately prior to the effective date of this charter. Bonds payable from special assessments levied against

the properties specially benefited by the improvements financed from the proceeds of such bonds shall continue to be payable solely from such special assessments. In the event any such obligations issued by either such former government are hereafter replaced by refunding bonds issued by the consolidated government, the debt service requirements of such refunding bonds shall be payable solely from the same sources from which the refunded bonds were payable.

Section 11.3. Authority to issue bonds.—The consolidated government may issue any bonds which municipalities or counties are or may hereafter be authorized to issue under the constitution or the general law and which either the former governments were authorized to issue immediately prior to the effective date of this charter.

Section 11.4. Authorization of bonds.—Revenue bonds may be issued when authorized by resolution of the commission. Ad valorem bonds may be issued when authorized by the commission and approved at an election as required by the constitution. All ad valorem bonds shall be obligations of the entire general services district unless the commission determines that the moneys received from the issuance thereof will be used primarily for the benefit of the urban services district or other taxing district which is to be obligated for the payment of the bonds and the interest thereon.

Section 11.5. Conduct of ad valorem bond elections.—When the commission authorizes the issuance of any ad valorem bonds, the commission shall, by resolution, provide for calling and holding of an election for approval or disapproval of such ad valorem bonds.

Section 11.6. Sale of bonds.—All bonds issued hereunder shall be offered for public sale and awarded to the bidder whose bid produces the lowest cost for such bonds. The commission may negotiate a private sale of any authorized bonds within sixty (60) days after receiving public bids at a price costing the consolidated government less than the best public bid received.

Article 12—Local Improvements

Section 12.1. Determination to make local improvements in the urban district.—Whenever the commission shall determine to make local improvements, as defined in the charter of the city of Tallahassee on the effective date of this charter or in any general law or applicable special law, the commission shall adopt a resolution authorizing such local improvements and proceed in regard thereto as provided by general law or applicable special law or in the charter of the City of Tallahassee on the effective date of this charter or by general law or by ordinance enacted pursuant to general law which procedure shall be specified or referred to in the authorizing resolution.

Section 12.2. Determination to make local improvements in the general district.—Whenever a petition describing a particular area is presented to the consolidated commission requesting that the properties in said described area be specially benefited by making local improvements specified in said petition, the commission shall consider such petition and if it determines to make such local improvements it shall adopt a resolution authorizing such local improvements and proceed in regard thereto as provided in section 12-1 of this charter.

Article 13—Election and Removal of Commissioners and Officers

Section 13.1. Conduct of elections, generally.—

(a) The members of the consolidated commission, the clerk of the circuit court, the sheriff, the tax assessor, the tax collector and the supervisor of elections shall be elected in the manner herein provided.

Section 13.2. State Law applicable.—All general laws of the State of Florida applicable to qualifications, elections and terms of county officers shall apply to consolidated government elections except where expressly provided to the contrary in this charter.

Section 13.3. Qualified electors.—All residents of Leon County who are lawfully registered and qualified to vote under the laws of the State of Florida shall be entitled to vote in all consolidated government elections.

Section 13.4. Responsibility for consolidated government elections.—In consolidated government elections, the commission and the supervisor of elections, respectively, shall perform all duties relating to such elections which are imposed by general law on the board of county commissioners and the supervisor of elections, respectively, in the case of county elections.

Section 13.5. Recall of elective officer.—Any person elected in any consolidated government election may be removed from office in the following manner:

(a) A petition signed by 20% of the qualified electors of the consolidated government demanding an election of a successor of the person sought to be removed, may be filed with the supervisor of elections, upon a form approved by the supervisor of elections. After the petition has been filed, there shall be no additions thereto or deletions therefrom.

(b) Within thirty (30) days from the date of filing such petition, the supervisor of elections shall examine the petition and ascertain whether the petition is signed by the required number of qualified electors. He shall attach to the petition his certificate showing the result of such examination.

(c) If the supervisor of elections shall determine that the petition is sufficient, he shall order and fix a date for holding a recall election not less than thirty (30) days or more than sixty (60) days from the date of his certificate. The supervisor of elections shall publish notice of such recall election in the same manner as for notice of general elections.

(d) If at least fifty-one percent (51%) of the registered electors vote in said election and if a majority of those voting favor removal, then said officer shall be removed and a vacancy shall exist in said office.

(e) All costs and expenses of recall elections by the supervisor of elections, shall be paid by the consolidated government.

(f) No person elected in any consolidated government election shall be subject to recall more than one time in one four year term.

Article 14—Retirement and Pension Benefits

Section 14.1. Retirement and pension system authorized. The commission shall provide for retirement and pension benefits for the officers and employees of the consolidated government. Nothing in this section shall impair or diminish the rights and privileges, including rights and privileges of social security coverage, to which officers and employees of the former governments may be entitled under retirement and pension plans of or under said former governments on the effective date of this charter.

Section 14.2. Existing retirement and pension plans continued.—Retirement and pension plans of the former governments existing immediately prior to the effective date of this charter, including those plans available to county officers and employees, the employees of the City of Tallahassee, the firemen of the City of Tallahassee, the policemen of the City of Tallahassee, and the employees of Tallahassee Memorial Hospital, shall continue and all benefits and rights under such plans shall continue unimpaired for the same duration provided in such plans and shall constitute an obligation and liability of the consolidated government. All officers and employees of former governments entitled to benefits under any such plan shall continue to be entitled to such benefits, and for the purpose of all such plans service with the consolidated government shall constitute service under the plans. The consolidated government may increase rights and benefits, but may not decrease such rights or benefits.

Article 15—Miscellaneous Provisions

Section 15.1. Authority to compel production of documents.—The commission shall have the power to have brought before it any records, documents or papers of the consolidated government pertinent to an investigation or hearing in respect to any activity or operation of the consolidated government.

Section 15.2. Employee bonds.—The commission shall determine whether or not any employee shall give bond and the amount and conditions thereof, the premiums on such bonds to be paid by the consolidated government. All such bonds shall be filed with the comptroller.

Section 15.3. Sale of public utility plants; procedure to amend existing contracts; to make contracts binding.—The commission may sell the public utility plants heretofore owned by the City of Tallahassee, or any of them, and enter into contracts with the purchasers or owners of said plants, or any of them, for service after said commission has passed an ordinance in which are stated the terms of purchase and the proposed contract for service, and after such ordinance has been

submitted to and has been ratified at a referendum election held for the purpose; provided, however, that the commission is authorized and shall have power to enter into contracts on behalf of the consolidated government for the purchase by the consolidated government of the electric energy to supplement the supply of electric energy generated by the consolidated government in its electric generating plant without submitting such contracts for a supplemental supply of electric energy to a referendum election. The execution of such contracts by the consolidated government for a supply to supplemental electric energy shall be authorized by resolution of the commission.

Section 15.4. Franchises and contracts granting franchises.—No franchise or contract granting a franchise shall be granted to any person or persons, natural or corporate on, over or under the streets, highways, alleys and thoroughfares or parks of the consolidated government until the commission has passed an ordinance granting such franchise or franchise contract, in which are clearly stated the terms of the grant and the proposed contract for service, and in those instances where franchises are granted in the urban services district, after said ordinance has been submitted and approved by a referendum election within said urban services district provided, however, that the present rights of cooperative utilities are preserved to said cooperative utilities, and that the rights of the former City of Tallahassee are preserved to the consolidated government.

Section 15.5. Method of amendment of charter.—This charter may be amended in the following manner:

(a) An amendment to this charter may be proposed by special law or by ordinance or by a petition signed by twenty percent (20%) of the qualified electors of the consolidated government. The petition shall be filed with and certified by the supervisor of elections as provided by section 13.5. of this charter.

(b) When an amendment to this charter has been properly proposed, the commission shall cause a referendum to be held to approve or disapprove the proposed amendment. The referendum shall be held as a part of the next election in which all qualified electors are entitled to participate; provided, however, that such referendum shall not be held in any election held less than thirty (30) days after the proposal of the amendment.

(c) Notice of the referendum shall be published one time in a newspaper published in and having a general circulation in the area of the consolidated government. The publication shall be made at least thirty (30) days prior to the date of the referendum. Notice of a referendum shall set forth the date of election, the exact language of the proposed amendment and the summary thereof as it will appear on the ballot.

(d) The ballot for the referendum shall set forth a summary of the contents of each proposed amendment. Each proposed amendment shall be ratified when a majority of the votes cast at the referendum election shall be in favor of ratification.

(e) If any proposed amendment is ratified by a majority of the electors voting thereon, it shall become a part of this charter at the time fixed in the amendment; and if no time is fixed therein, then it shall become a part of this charter when the results of the election become official.

Section 15.6. Intent of charter; separability of provisions.—It is the intent of this charter to exercise to the fullest extent possible the powers granted by the constitution and general law, in so doing, to consolidate all of the governmental, corporate and proprietary functions of the County of Leon and the City of Tallahassee, so that the same shall constitute a single government. It is declared to be the legislative intent that, if any section, subsection, sentence, clause or provision of this act is held invalid, the remainder of the act shall not be affected it being declared that any such invalid portion did not induce the passage, adoption or ratification of this charter and more specifically, if any section, subsection, sentence, clause or provision of this act shall be held or declared to be invalid or ineffective by reason of conflict with applicable general law, then and in such event such applicable general law shall be held and construed to be and become a part of this charter and the provisions of such general law shall control, it being specifically declared that any such invalid part of this charter did not induce the passage, adoption or ratification hereof and that the same would have been passed, adopted or ratified without the inclusion herein of such invalid portion and would have been passed, adopted and ratified as if the applicable general law aforesaid had been included herein.

Article 16—Transition Provisions

Section 16.1. Special election to ratify charter.—A special election to ratify this charter shall be conducted on November 6, 1973.

Section 16.2. Initial election under charter.—Initial general election for the offices of mayor and commissioners shall be held on November 5, 1974. General laws applicable to the election of county officers shall apply to the conduct of said elections, and they shall be supervised by the county commissioners of Leon County, Florida. Immediately upon ratification of this charter, the supervisor of elections at a regular meeting of the board of county commissioners shall determine by lot one (1) at large and two (2) district seats which shall have an initial term of two (2) years, and the remaining four (4) commission seats shall have an initial term of four (4) years. The mayor and commissioners elected at such election shall take office November 19, 1974. Thereafter, the term of office of the mayor or a commissioner shall be for four (4) years and begin on the Tuesday, two weeks following the day of the general election at which he is elected.

Section 16.3. Effective date of charter.—This charter shall become effective upon ratification for purposes of the initial election provided for in section 16.2. of this charter and fully effective on November 19, 1974, on which date the former governments shall cease to exist.

Section 16.4. Cooperation of former governments, to effect orderly transition.—All officers, officials, employees, departments, and agencies of the former governments of Leon County and the City of Tallahassee shall cooperate with and assist in planning the transition to consolidated government. The consolidation of the agencies of the former governments, and transferring the duties and responsibilities of such agencies to the appropriate agencies of the consolidated government and all other respects, in order that the transfer of the governmental, corporate and proprietary functions of the former governments to the consolidated government shall be accomplished in the most orderly fashion possible.

Section 16.5. Special acts, ordinances and regulations of former governments continued.—All special acts applicable to the City of Tallahassee and/or Leon County to the degree not inconsistent with this charter shall continue as ordinances of the consolidated government. All ordinances and resolutions of the former governments of Leon County and the City of Tallahassee which are in force on the effective date of this charter shall continue in full force and effect after the effective date of this charter in the areas to which they apply immediately prior to the effective date of this charter until repealed, modified or amended by the commission. All orders, rules and regulations made by any agency or officer of any of said former governments which are in force on the effective date of the charter shall continue in full force and effect in the areas in which they apply immediately prior to the effective date of this charter until repealed, revised or modified by the appropriate department, agency, officer, or the commission.

Section 16.6. Accounting of funds and other property of former governments.—All officers, officials, boards, commissions, agencies and employees of the former governments shall promptly account to and pay to the comptroller of the consolidated government any and all funds or other property for which they would have been required to pay over to either of the former governments.

Section 16.7. Certain officials continued in office.—As provided by the budget the county officers of the former government of Leon County shall continue to serve in their respective capacities in the consolidated government until the expiration of the term for which they were elected. Thereafter, the county officers shall hold office for four (4) years, the terms of said offices to begin the first Tuesday after the first Monday in January after their election.

Section 16.8. Employees of former governments continued in consolidated government.—

(a) As provided by the budget, all employees of the former governments of Leon County and the City of Tallahassee shall, on the effective date of this charter, become employees of the consolidated government without any loss of benefits on account of the adoption of this charter. All such employees shall be entitled to at least the same salary and the same rights which they had under the former governments for a period of

two (2) years from the effective date of this act; provided however, that said employees may be suspended, dismissed, reduced in pay, demoted, laid off or transferred during said period for cause.

(b) All such employees of former governments shall be entitled to all rights which they had under any retirement or pension plans of former governments.

Section 16.9. Proceedings before agencies of former governments continued.—All petitions, hearings and other proceedings pending before any officer, department or board of the former governments of Leon County and the City of Tallahassee shall continue and remain in full force and effect and the petition, hearing or proceeding shall be completed by the officer, department or board of the consolidated government which succeeds to the rights, duties and obligations of such abolished or consolidated agency.

Section 16.10. Boards continued.—All boards of the county and city shall be continued with their powers, duties and functions intact, subject to appropriate action by the commission in regard thereto. Appointees to all boards shall be made by the Commission. Nothing herein shall affect the powers, duties or functions of the Municipal Hospital Board or the school district in and for Leon County or the governing board thereof. Any provisions herein to the contrary notwithstanding, the consolidated government shall perform such functions relating to the school district as may be provided by law to be performed by county government or any county officer.

Section 16.11. Succession to rights and liabilities of former governments.—The consolidated government shall acquire all of the rights and be subject to all of the liabilities of the former governments of Leon County and the City of Tallahassee to which it is successor, as the same may exist at the time of adoption of this charter, or may thereafter arise.

Section 16.12. Transitional budget provisions.—The current budget of the City of Tallahassee and of Leon County, together, shall constitute the initial budget of the consolidated government and shall be subject to the provisions of section 11.5. of this charter.

Article 17—Referendum, Effective Date and Directory Provisions

Section 17.1. Referendum.—The provisions of this charter shall become operative and effective when this Act shall be ratified and approved by a majority of the qualified electors voting in a special election to be held in Leon County under the provisions of law for special elections on November 6, 1973. Notice of said election shall be given by the clerk of the circuit court of the second judicial circuit by publishing the same once in a newspaper of general circulation, published in Leon County, the publication to be not less than thirty (30) days before said election. Said notice shall be in substantially the following form:

“Notice is hereby given that an election will be held in Leon County, Florida, on the 6th day of November, 1973, for the approval or disapproval of the charter of the consolidated government of the City of Tallahassee and Leon County, to extend throughout the territorial limits of Leon County.”

It shall be the duty of the board of county commissioners of Leon County to provide for the holding of said election as provided herein. The canvassing board of said election shall file a certificate of the result of the election with the secretary of state and with the city auditor-clerk of the City of Tallahassee, and said certificate shall be recorded by the supervisor of elections of Leon County in the record of election returns.

Section 17.2. Question on ballot.—The question to appear on the ballot to be used at said special election shall be as follows:

“There shall be a consolidated government extending throughout the territorial limits of Leon County to be named ‘The Consolidated Government of the City of Tallahassee and Leon County’, pursuant to the provisions of Article 8 of the Constitution of the State of Florida and Chapter 73 _____, Laws of Florida.”

For Consolidation _____ Against Consolidation _____

Section 17.3. Construction of act.—If any part of this act is held unconstitutional, the remainder thereof shall remain in full force and effect.

Section 17.4. Title, designation of act.—This act may be cited as "Charter of the Consolidated Government of the City of Tallahassee and Leon County."

Section 17.5. Effective date of act.—This act, except as herein otherwise provided, shall take effect upon its becoming law.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motion by Senator Barron, the Senate concurred in the House amendment to SB 1337.

SB 1337 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—37

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

Nays—1

Firestone

The Honorable Mallory E. Horne, President May 31, 1973

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

By Representative Harlee and others—

HB 1534—A bill to be entitled An act relating to the Florida Public Service Commission authorizing it to assume jurisdiction over certain practices of companies selling energy, to prevent discrimination and unreasonable profits as a result of energy crises, and providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 1534, contained in the above message, was read the first time by title and placed on the calendar.

The Senate resumed—

LOCAL CALENDAR

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.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote CS for HB 1471 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

Mr. President	Graham	Pettigrew	Trask
Barron	Gruber	Plante	Vogt
Brantley	Henderson	Poston	Ware
Childers	Johnson	Saunders	Weber
Deeb	Lane (31st)	Sayler	Wilson
de la Parte	Lane (23rd)	Scarborough	Winn
Firestone	Lewis	Sims	Zinkil
Gallen	McClain	Smathers	
Gillespie	Myers	Stolzenburg	
Gordon	Peterson	Sykes	

Nays—None

On motion by Senator Trask, HB 1062 was withdrawn from the Committee on Rules and Calendar by two-thirds vote and placed on the calendar.

HB 1062—A bill to be entitled An act relating to the board of trustees of the internal improvement trust fund; providing that the board shall set aside and reserve one hundred (100) acres of certain state-owned land as the site for a branch of the Pasco-Hernando Community College until such time as another location is selected; providing that the board convey the reserved acreage to the college district in the event it is selected as the location for said branch college; providing a statement of legislative intent; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 1062 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

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

Nays—1

Henderson

SB 621 was laid on the table.

CS for HB 1374—A bill to be entitled An act relating to transportation; creating §§348.80, 348.81, 348.82, 348.83, 348.84, 348.86, 348.87, 348.88, 348.89, 348.90, 348.91, 348.92, 348.93, and 348.94, Florida Statutes, to provide for the creation of a Pasco County expressway authority; transferring authority powers, duties, and responsibilities to the board of county commissioners of Pasco County; providing purposes and powers for the authority; providing for the issuance of bonds in accordance with the State Bond Act; providing for lease-purchase agreements with the department of transportation; providing that the department of transportation may be appointed an agent of the authority for purposes of construction; providing for the acquisition of lands and property; providing for inter-agency cooperation; providing a covenant not to alter the rights vested in the authority and the department until all outstanding bonds are fully paid and discharged; providing for exemption of the authority from taxation; providing eligibility of authority obligations for investment of public funds; providing for enforcement of pledges by bondholders; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote CS for HB 1374 was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

Mr. President	Gordon	Peterson	Sykes
Barron	Graham	Pettigrew	Trask
Brantley	Gruber	Plante	Vogt
Childers	Johnson	Poston	Ware
Deeb	Lane (31st)	Saunders	Weber
de la Parte	Lane (23rd)	Scarborough	Wilson
Firestone	Lewis	Sims	Winn
Gallen	McClain	Smathers	Zinkil
Gillespie	Myers	Stolzenburg	

Nays—None

Senator Zinkil moved that HB 1262 be taken up and read the second time. Senator Weber moved as a substitute motion that consideration of HB 1262 be deferred and the motion was adopted.

SCR 295—A concurrent resolution commending Mrs. Eileen H. Butts for services to her community and state.

—was read the second time.

On motion by Senator Gillespie the following amendment was adopted:

Amendment 1—On page 1, strike line 27, and insert: tona Beach Children's Museum, presently known as the Museum of Arts and Sciences, and of the Florida

On motion by Senator Gillespie, SCR 295 as amended was read in full, adopted and ordered engrossed. The vote was:

Yeas—36

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

Nays—None

On motion by Senator Wilson, HB 2090 was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

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.

—was read the second time by title. On motion by Senator Wilson, by two-thirds vote HB 2090 was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

Barron	Gordon	McClain	Sims
Brantley	Graham	Myers	Smathers
Childers	Gruber	Peterson	Sykes
Deeb	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Plante	Weber
Firestone	Lane (31st)	Poston	Wilson
Gillespie	Lane (23rd)	Saunders	Winn
Glisson	Lewis	Scarborough	Zinkil

Nays—None

On motion by Senator Plante HB 1168 was withdrawn from the Committee on Rules and Calendar by two-thirds vote and placed on the calendar.

HB 1168—A bill to be entitled An act relating to the City of Orlando; amending Section 9 of Chapter 9861, Laws of Florida, 1923, by authorizing such Utilities Commission to acquire, construct and/or operate electric plants and lines and incidental facilities within the boundaries of Orange and Brevard counties and each and every other county within the State of Florida; to acquire, construct and/or operate water plants and mains within Orange County; to furnish electricity, power and water in any part of Orange County; to construct and maintain electric lines and water mains along and under the public highways or streets in Orange County; and contract with any other municipality or public utility in Orange County for furnishing to it electricity and water, provided that said Commission shall not serve any consumer outside of Orange County, except its own facilities or employees on property controlled by said Commission or the City of Orlando, and providing said Commission may contract to connect with facilities of one or more public utilities within the State of Florida and buy and sell electricity through such connections, and authorizing the Orlando Utilities Commission and the City of Orlando to do any acts necessary or required to effectuate said provisions, including the authority and power of purchase of or eminent domain over private or public lands or property whatsoever necessary to carry out the provisions and accomplish the purposes of this act; providing an effective date.

—was read the second time by title.

On motion by Senator Sims the following amendment was adopted:

Amendment 1—On page 3, line 15, strike the period and insert: “, provided that this section shall not authorize the Orlando Utilities Commission to exercise the power of eminent domain outside of the City of Orlando, Florida, to provide water or sewer service in any area in Orange County served by any utility system owned or operated by Orange County, Florida.”

On motion by Senator Plante, by two-thirds vote HB 1168 as amended was read the third time by title and passed. The vote was:

Yeas—29

Barron	Graham	Peterson	Vogt
Brantley	Gruber	Pettigrew	Weber
Childers	Henderson	Plante	Wilson
Deeb	Lane (31st)	Scarborough	Winn
de la Parte	Lane (23rd)	Sims	Zinkil
Gallen	Lewis	Smathers	
Glisson	McClain	Stolzenburg	
Gordon	Myers	Trask	

Nays—None

The bill with amendment was delivered to the engrossing clerk.

HB 1262—A bill to be entitled An act relating to Broward County; increasing the membership of the district school board to seven (7) by providing for two (2) new members who are residents in the district and nominated and elected from the district at large; providing staggered terms for the initial membership; providing for approval of this act and for election of the initial new members at a referendum election.

—was read the second time by title. On motion by Senator Zinkil, by two-thirds vote HB 1262 was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

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

Nays—3

Firestone	Lane (31st)	Weber
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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.

—was read the second time by title.

On motions by Senator Sayler the following amendments were adopted:

Amendment 1—On page 1, line 19, strike “entire line and insert: of the Pinellas County director of planning, the planning directors of the cities of St. Petersburg and Clearwater and as ex-officio members

Amendment 2—On page 1, lines 23-29 strike “entire lines” and insert: (b) The Task Force shall prepare an analytical environmental study of Pinellas County based upon all available existing reports, proposals or other studies prepared by the Pinellas Planning Council or any other federal, state, regional or local agency which relate to the environmental assessment of Pinellas County. Such study shall include, but not be limited to, air quality, water quality, hydrology, coastal engineering and hydrodynamics, soils and erosion, socio-economic, ecology and marine biology, waste water disposal, solid waste disposal, acoustic noise, seismic noise, transportation, energy requirements and the relationship of

Amendment 3—On page 2, strike lines 12-24 and insert: Section 2. (a) The Task Force shall utilize the staff of the Pinellas Planning Council, the staffs of the planning departments of the cities of St. Petersburg, Clearwater and other available per-

sonnel of each local government in Pinellas County, as well as volunteers from the community who are qualified in the various fields of study, to effect the purposes of this act.

(b) The Board of County Commissioners is authorized to expend such funds as are necessary for operating expenses in order to carry out the provisions of this act, provided that the salary of a non-county governmental employee or member of the Task Force shall be borne by the local government employing such person. The Task Force is authorized to accept grants from federal, state and local governments sources and from private foundations to assist in financing this study.

On motion by Senator Sayler, by two-thirds vote HB 2126 as amended was read the third time by title and passed. The vote was:

Yeas—29

Brantley	Johnston	Poston	Ware
Childers	Lane (31st)	Saunders	Weber
de la Parte	Lane (23rd)	Sayler	Wilson
Firestone	Lewis	Scarborough	Winn
Gillespie	McClain	Sims	Zinkil
Gordon	Peterson	Stolzenburg	
Gruber	Pettigrew	Trask	
Henderson	Plante	Vogt	

Nays—None

The bill with amendments was delivered to the engrossing clerk.

Senator Saunders moved that the rules be waived and a bill temporarily identified as SB 6-A relating to rehabilitation of drug dependents and a bill temporarily identified as SB 7-A relating to operation of a motor vehicle while illegally under the influence of drugs or narcotics be introduced.

The motion was referred to the Committee on Rules and Calendar for advisory recommendation pursuant to Rule 4.4.

On motions by Senator Saunders, HB 1645 was withdrawn from the Committees on Natural Resources and Conservation and Ways and Means by two-thirds vote and placed on the calendar.

On motions by Senator Saunders, House Bills 1293, 1295, 1376 and 1770 were withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

On motion by Senator Brantley, HB 1973 was withdrawn from the Committee on Commerce by two-thirds vote and placed on the calendar.

On motion by Senator Poston, HB 1927 was withdrawn from the Committee on Transportation by two-thirds vote and placed on the calendar.

Senator Poston moved that the rules be waived and CS for HB 548 be withdrawn from the Committee on Transportation and placed on the calendar and the motion failed.

Senator Barron moved that the rules be waived and the Committee on Rules and Calendar be permitted to meet at 1:15 p.m. this day to consider CS for HB 1988 and HB 1851.

Senator McClain raised a point of order that pursuant to Rule 4.6, CS for HB 1988 should be referred to the Committee on Ways and Means. The chair ruled the point well taken and the bill was referred to the Committee on Ways and Means.

Senator Pettigrew moved that the rules be waived and CS for HB 1988 be withdrawn from the Committee on Ways and Means.

Senator Scarborough moved that the rules be waived and time of adjournment be extended until final consideration of the foregoing motion.

Pending consideration of the foregoing motions, the hour of adjournment having arrived, a point of order was called.

Senator Brantley moved that the Senate reconsider the vote by which HB 1168 passed this day.

The Senate adjourned at 12:04 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—33:

Mr. President	Gordon	McClain	Stolzenburg
Barron	Graham	Myers	Vogt
Brantley	Gruber	Peterson	Ware
Childers	Henderson	Poston	Wilson
Deeb	Johnson	Saunders	Winn
Firestone	Johnston	Sayler	Zinkil
Gallen	Lane (31st)	Scarborough	
Gillespie	Lane (23rd)	Sims	
Glisson	Lewis	Smathers	

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

INTRODUCTION

By Senator Horne—

SR 1371—A resolution recognizing and commending Representative Carl Ogden for his outstanding contributions in fostering good government.

—was read the first time and placed on the calendar.

On motion by Senator Horne SR 1371 was read the second time in full and unanimously adopted.

Senate Bills 1358 and 1359 were laid on the table.

Senator Barron announced that the Committee on Rules and Calendar would withdraw from the chamber for the purpose of holding a meeting.

Senator Barron moved that the rules be waived and the Committee on Rules and Calendar be permitted to consider two emergency bills proposed for introduction by Senator Saunders; bills relating to local revenue sharing, salaries for public officials, fair assessment and HB 1988.

Senator Sims called for a division of the question, the question relating to HB 1988 to be considered separately.

On motion by Senator Barron the rules were waived and the Committee on Rules and Calendar was permitted to consider two emergency bills proposed for introduction by Senator Saunders; bills relating to local revenue sharing, salaries for public officials and fair assessment.

Senator Barron moved that the rules be waived and the Committee on Rules and Calendar be permitted to consider HB 1988.

The motion failed by the following vote:

Yeas—23

Mr. President	Graham	Myers	Trask
Barron	Gruber	Pettigrew	Vogt
Firestone	Henderson	Poston	Wilson
Gillespie	Johnson	Saunders	Winn
Glisson	Lane (23rd)	Scarborough	Zinkil
Gordon	Lewis	Smathers	

Nays—15

Brantley	Johnston	Plante	Sykes
Childers	Lane (31st)	Sayler	Ware
Deeb	McClain	Sims	Weber
Gallen	Peterson	Stolzenburg	

Senator Pettigrew raised a point of order that CS for CS for HB 1176 had not been heard by a committee and has a fiscal

impact. The President ruled the point well taken and CS for CS for HB 1176 was removed from the calendar and referred to the Committee on Ways and Means.

On motion by Senator Barron the Senate stood in informal recess at 2:47 p.m.

The Senate was called to order by the President at 3:20 p.m. A quorum present.

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 31, 1973

I am directed to inform the Senate that the House of Representatives has receded from amendment 6 to CS for SB 292 and passed as further amended.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 31, 1973

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended SB 1356.

Allen Morris, Clerk

The bills were ordered engrossed.

The Honorable Mallory E. Horne, President May 31, 1973

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1119.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 31, 1973

I am directed to inform the Senate that the House of Representatives has passed SB 1202 CS for SB 209.

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable Mallory E. Horne, President May 31, 1973

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended HB 32 HB 311.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 31, 1973

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments 1, 5 & 7; concurred in Senate amendment 6 as amended by House and passed as further amended—

By the Committee on Appropriations and the Committee on Health & Rehabilitative Services and Representative J. Thomas and others—

CS for CS for HB 124—A bill to be entitled An act relating to emergency medical care; providing definitions; providing for a state plan for emergency medical services; establishing licensing, permit and certification procedures and requiring all ambulance companies, vehicles and attendants to meet minimum state standards for construction, equipment, training, records, insurance and maintenance; creating the state emergency medical services advisory council and providing for its membership, purpose, objectives and functions; providing for the development of a communications system; providing for the inspection and examination of ambulance companies, ve-

hicles and attendants; providing that licenses, certificates and permits issued pursuant to this act are nontransferable except with division approval; providing for exemptions; establishing a schedule of fees; providing that failure to obtain consent shall not result in civil liability where the patient is unable to give consent and there is no other person reasonably available; providing authority for counties and cities to enact additional regulations; requiring certificates of public convenience and necessity and providing for adoption by counties of standards for such certification; providing exemption from liability for acts or omissions committed in good faith; providing for participation in federal programs; providing penalties for the violation of any provision of this act; providing a penalty for fraudulently obtaining service from ambulance companies; providing a penalty for turning in a false alarm; repealing §877.07, Florida Statutes, 1969, as amended, relating to required first aid equipment and training ambulance operators and employees; providing an effective date.

Senate amendment 6—On page 17, between lines 11 & 12 insert a new subsection 26 and renumber:

Section 26. No person shall be denied treatment for any emergency medical condition which will deteriorate from a failure to provide such treatment at any hospital licensed under §395 F.S. that operates an emergency department providing emergency treatment to the public.

House amendment to Senate amendment 6—

On page 17, insert the following:

A hospital, its employees or any physician or dentist providing emergency treatment pursuant to section 26 of this act shall not be held liable in any action arising out of a refusal to render emergency treatment or care if reasonable care is exercised in determining the condition of the person, or in determining the appropriateness of the facilities, the qualifications and availability of personnel to render such treatment.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motion by Senator Poston, the Senate concurred in the House amendment to Senate amendment 6 to CS for CS for HB 124.

CS for CS for HB 124 passed as further amended and was certified to the House. The vote was:

Yeas—30

Mr. President	Graham	Plante	Vogt
Barron	Gruber	Poston	Ware
Brantley	Henderson	Saunders	Weber
Deeb	Johnston	Saylor	Wilson
Firestone	Lane (31st)	Scarborough	Winn
Gillespie	Lewis	Sims	Zinkl
Glisson	Myers	Smathers	
Gordon	Pettigrew	Stolzenburg	

Nays—2

McClain Peterson

By unanimous consent Senator Childers was recorded as voting yea; Senator Lane (23rd) as voting nay.

The Honorable Mallory E. Horne, President May 31, 1973

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

By Representative Dubbin—

HB 205—A bill to be entitled An act relating to emergency medical service telecommunications; providing legislative intent; providing for the establishment and regulation of emergency medical telecommunications; authorizing the division of communications of the department of general services to formulate

and implement a regional emergency medical telecommunications plan encompassing each medical service entity within the state; listing those items to be included in such a plan; requiring compliance with the plan; providing an appropriation; providing an effective date.

Senate amendment 1—On page 5, lines 24-30 and page 6, lines 1-3 strike lines 24-30 on page 5 and lines 1-3 on page 6 and renumber subsequent section

House amendment to Senate amendment 1—On page 5, line 25, strike lines 25-30 and on page 6 lines 1-3 and insert the following: the division of communications is authorized to employ two (2) additional full time personnel subject to funding therefor as provided for in the 1973 General Appropriations bill.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motion by Senator Poston, the Senate concurred in the House amendment to Senate amendment 1 to HB 205.

HB 205 passed as further amended and was certified to the House. The vote was:

Yeas—35

Mr. President	Gordon	McClain	Sykes
Barron	Graham	Myers	Trask
Brantley	Gruber	Peterson	Vogt
Childers	Henderson	Pettigrew	Ware
Deeb	Johnson	Plante	Weber
Firestone	Johnston	Poston	Wilson
Gallen	Lane (31st)	Saylor	Winn
Gillespie	Lane (23rd)	Sims	Zinkil
Glisson	Lewis	Stolzenburg	

Nays—None

By unanimous consent Senator Smathers was recorded as voting yea.

The Honorable Mallory E. Horne, President May 31, 1973

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

By Senators Poston and Gruber—

SB 797—A bill to be entitled An act relating to Monroe County; authorizing the payment of commissions to tax assessor and tax collector upon total amount of taxes assessed and collected; providing an effective date.

—which amendment reads as follows:

On page 1, line 23, strike the period “.” and insert the following: and on October 1, 1974 shall be automatically repealed and thereafter void and of no further force and effect.

—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 797.

SB 797 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—37

Mr. President	Graham	Peterson	Trask
Barron	Gruber	Pettigrew	Vogt
Brantley	Henderson	Plante	Ware
Childers	Johnson	Poston	Weber
Deeb	Johnston	Saylor	Wilson
Firestone	Lane (31st)	Scarborough	Winn
Gallen	Lane (23rd)	Sims	Zinkil
Gillespie	Lewis	Smathers	
Glisson	McClain	Stolzenburg	
Gordon	Myers	Sykes	

Nays—None

By unanimous consent Senator de la Parte was recorded as voting yea.

The Honorable Mallory E. Horne, President May 31, 1973

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

By Senator Myers—

SB 1319—A bill to be entitled An act relating to youth services; creating section 959.001, Florida Statutes, providing definitions; amending section 959.011, Florida Statutes, 1971, authorizing the department of health and rehabilitative services to develop a variety of programs for children and young persons, authorizing the division of youth services to provide assistance to law enforcement, courts and other organizations, and requiring the department to evaluate programs and annually revise Florida's comprehensive plan for the prevention, control and treatment of juvenile delinquency; amending section 959.021 (1), (2), and (3), Florida Statutes, 1971, requiring the department to implement law and policy, coordinate with governments and agencies, and make rules relating to youth services; amending section 959.022, Florida Statutes, 1972 Supplement, deleting definitions; amending section 959.07 (2), Florida Statutes, 1972 Supplement, allowing advisory council members whose terms have expired to serve until a successor is appointed and authorizing payment of travel and per diem expenses for advisory council duties; repealing section 959.09, Florida Statutes, 1971, eliminating duplicative language; amending section 959.10, Florida Statutes, 1971, establishing discipline policy for the division; amending section 959.115 (1) and (5), Florida Statutes, 1972 Supplement, clarifying alternative sentencing of minors; amending section 959.13, Florida Statutes, 1971, authorizing the secretary of the department to transfer committed persons to other divisions for diagnosis; amending section 959.15, Florida Statutes, 1971, allowing authorized division agents to take into custody escapees, absconders and other committed persons; creating section 959.156, Florida Statutes, establishing furlough revocation hearing procedures; creating section 959.185, Florida Statutes, relating to service of process to division facilities; amending section 959.225(1), Florida Statutes, 1972 Supplement, relating to records; amending section 959.25 (3) (c), (d) and (e), Florida Statutes, 1971, providing monetary guidelines for exceptional child educational programs; amending section 959.28, Florida Statutes, 1971, eliminating duplicative language; providing an effective date.

Amendment 1—On page 15, line 8, strike “(c)”

Amendment 2—On page 15, line 21, strike all of paragraph (c)

Amendment 3—On page 4, lines 9-11, strike all of said lines beginning with “is” on line 9 and insert the following: *The division* shall be responsible

Amendment 4—On page 2, line 17, strike (c),

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motions by Senator Myers, the Senate concurred in House amendments 1, 2, 3 and 4 to SB 1319.

SB 1319 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—38

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

Nays—None

SPECIAL ORDER

HB 605—A bill to be entitled An act relating to credit unions; amending §657.24, Florida Statutes, 1972 Supplement, relating to the rental of office space in government-owned buildings, to provide free office space for credit unions if certain determinations are made; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 605 was read the third time by title, passed and certified to the House. The vote was:

Yeas—25

Mr. President	Glisson	Peterson	Vogt
Barron	Gordon	Pettigrew	Wilson
Brantley	Graham	Poston	Winn
Childers	Gruber	Scarborough	Zinkil
Deeb	Lane (31st)	Sims	
Firestone	Lane (23rd)	Sykes	
Gallen	Myers	Trask	

Nays—11

Henderson	Lewis	Saylor	Ware
Johnson	McClain	Smathers	Weber
Johnston	Plante	Stolzenburg	

SB 911 was laid on the table.

CS for HB's 168, 228 & 269—A bill to be entitled An act relating to state employees; authorizing the establishment of policies to provide terminal "incentive" sick leave pay for accumulated sick leave; relating to the Florida retirement system; amending §121.021(24), Florida Statutes, prohibiting the payment for accumulated sick leave from being calculated in the average final compensation for retirement purposes; providing conditions; providing an effective date.

—was read the second time by title.

On motion by Senator Gillespie the following amendment was adopted:

Amendment 1—On page 2, lines 17 and 19 strike "July" and insert: October

On motion by Senator Gillespie, by two-thirds vote CS for HB's 168, 228 and 269 as amended was read the third time by title and passed. The vote was:

Yeas—36

Mr. President	Gordon	McClain	Smathers
Barron	Graham	Myers	Stolzenburg
Brantley	Gruber	Peterson	Sykes
Childers	Henderson	Pettigrew	Trask
Deeb	Johnson	Plante	Vogt
Firestone	Johnston	Poston	Ware
Gallen	Lane (31st)	Saunders	Weber
Gillespie	Lane (23rd)	Saylor	Wilson
Glisson	Lewis	Sims	Winn

Nays—None

The bill with amendment was delivered to the engrossing clerk.

HB 1423—A bill to be entitled An act relating to residential landlord and tenant relationships; creating §83.001 and part II of chapter 83, Florida Statutes; providing a short title; providing for application of the act; providing definitions; providing for an obligation of good faith; providing for the limitation of unconscionable rental agreements; providing for authorized and prohibited provisions in rental agreements; providing for attorney's fees; providing for disclosure to tenants; providing for landlord's obligation to maintain premises; providing for tenant's obligation to maintain dwelling unit; providing for landlord's access to dwelling unit; providing for remedies and procedures; prohibiting retaliatory conduct; creating §§713.691

and 48.183, Florida Statutes; providing for landlord's lien for rent and abolishing distress for rent with regard to residential tenancies; providing for service of process; amending and renumbering section 83.261, Florida Statutes, relating to deposit money and advance rent; amending sections 713.67, 713.68, and 509.141(1), Florida Statutes, to limit their applicability to transient rentals; amending sections 85.011(5) and 85.051, Florida Statutes; creating section 92.40, relating to admissibility in evidence of reports of building, housing and health code violations; repealing sections 82.02, 82.04, 82.081(2) and 821.31, Florida Statutes; providing for notice by the department of business regulations; providing effective dates.

—was read the second time by title.

The Committee on Consumer Affairs offered the following amendment which was adopted on motion by Senator Myers:

Amendment 1—On page 2, line 14, strike everything after the enacting clause and insert: Section 1. Section 83.001, Florida Statutes, is created to read:

83.001 Application.—This part applies to non-residential tenancies, and all tenancies not governed by Part II of this chapter.

Section 2. Chapter 83, Florida Statutes, is amended by denominating §83.001-83.251, Florida Statutes, as Part I, to be entitled "Landlord and Tenant: Non-Residential", and by creating Part II, to be entitled "Landlord and Tenant: Residential", to read:

PART II

LANDLORD AND TENANT: RESIDENTIAL

83.40 Short Title.—This part shall be known as the "Florida Residential Landlord and Tenant Act."

83.41 Application.—This part applies to rental of a dwelling unit and a mobile home lot.

83.42 Exclusions from application of part.—This part does not apply to the following:

(1) Residency or detention in a facility, whether public or private, where residence or detention is incidental to the provisions of medical, geriatric, educational, counseling, religious or similar services.

(2) Occupancy under a contract of sale of a dwelling unit or the property of which it is a part;

(3) Transient occupancy in a hotel, motel, rooming house, or similar public lodging or transient occupancy in a mobile home park;

(4) Occupancy by a holder of a proprietary lease in a cooperative apartment; or

(5) Occupancy by an owner of a condominium unit.

83.43 Definitions.—As used in this part, the following words and terms shall have the following meanings, unless some other meaning is plainly indicated:

(1) "Building, housing and health codes" means any law, ordinance, or governmental regulation concerning health, safety, sanitation, fitness for habitation, or the construction, maintenance, operation, occupancy, use or appearance of any dwelling unit;

(2) "Dwelling unit" means:

(a) A structure or part of a structure that is rented for use as a home, residence, or sleeping place by one person or by two or more persons who maintain a common household; or

(b) A mobile home rented by a tenant;

(c) A mobile home lot within a mobile home park that is rented for occupancy by one or more persons who own the mobile home located on the lot;

(3) "Landlord" means the owner or lessor of a dwelling unit;

(4) "Tenant" means any person entitled to occupy a dwelling unit under a rental agreement;

(5) "Premises" means a dwelling unit and the structure of which it is a part, a mobile home lot and, the appurtenant facilities and grounds, areas, facilities and property held out for the use of tenants generally;

(6) "Rent" means the periodic payments due the landlord from the tenant for occupancy under the rental agreement, and any other payments due the landlord from the tenant as may be designated as rent in a written rental agreement;

(7) "Rental agreement" means any agreement, written, or oral if for less than the duration of one year, providing for use and occupancy of premises;

(8) "Good faith" means honesty in fact in the conduct or transaction concerned;

(9) "Advance rent" means moneys paid to the landlord to be applied to future rent payment periods, but does not include rent paid in advance for a current rent payment period;

(10) "Transient occupancy" means occupancy where it is the intention of the parties that the occupancy will be temporary.

(11) "Deposit money" means any moneys held by the landlord in behalf of the tenant including but not limited to damage deposits, security deposits, advance rent deposit, pet deposit or any contractual deposit agreed to between landlord and tenant either written or oral.

83.44 Obligation of good faith.—Every rental agreement or duty within this part imposes an obligation of good faith in its performance or enforcement.

83.45 Unconscionable rental agreement or provision.—

(1) If the court as a matter of law finds a rental agreement or any provision of a rental agreement to have been unconscionable at the time it was made, the court may refuse to enforce the rental agreement, or it may enforce the remainder of the rental agreement without the unconscionable provision, or it may so limit the application of any unconscionable provision as to avoid any unconscionable result.

(2) When it is claimed or appears to the court that the rental agreement or any provision thereof may be unconscionable the parties shall be afforded a reasonable opportunity to present evidence as to meaning, the relationship of the parties, purpose and effect to aid the court in making the determination.

83.46 Rent; duration of tenancies.—

(1) Unless otherwise agreed, rent is payable without demand or notice, periodic rent is payable at the beginning of each rent payment period, and rent is uniformly apportionable from day to day.

(2) If the rental agreement contains no provisions as to duration of the tenancy, the duration is determined by the periods for which the rent is payable. If the rent is payable weekly, then the tenancy is from week to week; if payable monthly, is from month to month; if payable quarterly, is from quarter to quarter; if payable yearly, is from year to year.

83.47 Prohibited provisions in rental agreements.—

(1) A provision in a rental agreement is void and unenforceable to the extent that it:

(a) Purports to waive or preclude the rights, remedies or requirements set forth in this part; or

(b) Purports to limit or preclude any liability of the landlord to the tenant or of the tenant to the landlord, arising under law.

(2) If such a void and unenforceable provision is included in a rental agreement entered into, extended, or renewed after the effective date of this part, and either party suffers actual damages as a result of the inclusion, the aggrieved party may recover those damages sustained after the effective date of this part.

83.48 Attorney's fees.—If a rental agreement contains a provision allowing attorney's fees to the landlord when he is required to take any action to enforce the rental agreement,

the court may also allow reasonable attorney's fees to the tenant when he prevails in any action by or against him with respect to the rental agreement.

83.50 Disclosure.—The landlord or a person authorized to enter into a rental agreement on his behalf shall disclose in writing to the tenant at or before the commencement of the tenancy the name and address of the landlord or a person authorized to receive notices and demands in his behalf. The landlord or his authorized representative, upon completion of construction of a building exceeding three stories in height which contains dwelling units, shall disclose to the tenants initially moving into the building the availability or lack of availability of fire protection. The person so authorized to receive notices and demands retains authority until the tenant is notified otherwise. All notices of those names and addresses or changes thereto shall be delivered to the tenant's residence or, if specified in writing by the tenant, to any other address.

83.51 Landlord's obligation to maintain premises.—

(1) The landlord at all times during the tenancy shall:

(a) Comply with the requirements of applicable building, housing and health codes; and

(b) Maintain the roofs, windows, screens, doors, floors, steps, porches, exterior walls, foundations, and all other structural components in good repair and capable of resisting normal forces and loads, and maintain the plumbing in reasonable working condition; provided however, the landlord shall not be required to maintain a mobile home or other structure owned by the tenant.

(c) The landlord's obligations under this subsection may be altered or modified in writing with respect to a single family home or duplex.

(2)(a) Unless otherwise agreed in writing, in addition to the requirements of subsection (1) of this section, the landlord of a dwelling unit other than a single family home or duplex at all times during the tenancy shall make reasonable provisions for:

(1) The extermination of rats, mice, roaches, ants, and bedbugs;

(2) Locks and keys;

(3) The clean and safe condition of common areas;

(4) Garbage removal and outside receptacles therefor; and

(5) Heat during winter, running water, and hot water.

(b) Nothing in this part authorizes the tenant to raise a noncompliance by the landlord with this subsection as a defense to an action for possession under §83.59.

(c) This subsection shall not apply to a mobile home owned by a tenant.

(3) Nothing contained in subsection (2) of this section prohibits the landlord from providing in the rental agreement that the tenant is obligated to pay costs or charges for garbage removal, water, fuel or utilities.

(4) If the duty imposed by subsection (1) of this section is the same or greater than any duty imposed by subsection (2), the landlord's duty is determined by subsection (1).

(5) The landlord is not responsible to the tenant under this section for conditions created or caused by the negligent or wrongful act or omission of the tenant, a member of his family, or other person on the premises with his consent.

83.52 Tenant's obligation to maintain dwelling unit.—The tenant at all times during the tenancy shall:

(1) Comply with all obligations imposed upon tenants by applicable provisions of building, housing and health codes;

(2) keep that part of the premises which he occupies and uses clean and sanitary;

(3) remove from his dwelling unit all garbage in a clean and sanitary manner;

(4) keep all plumbing fixtures in the dwelling unit or used by the tenant clean and sanitary;

(5) use and operate in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appliances, including elevators;

(6) not destroy, deface, damage, impair or remove any part of the premises or property therein belonging to the landlord, nor permit any person to do so; and

(7) conduct himself and require other persons on the premises with his consent to conduct themselves in a manner that does not unreasonably disturb his neighbors or constitute a breach of the peace.

83.53 Landlord's access to dwelling unit.—

(1) The tenant shall not unreasonably withhold consent to the landlord to enter the dwelling unit from time to time in order to inspect the premises, make necessary or agreed repairs, decorations, alterations, or improvements, supply agreed services or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workmen or contractors.

(2) The landlord may enter the dwelling unit at any time for the protection or preservation of the premises. The landlord may enter the dwelling unit when necessary for the purposes set forth in subsection (1) under any of the following circumstances:

- (a) with the consent of the tenant;
- (b) in case of emergency;
- (c) when the tenant unreasonably withholds consent; or

(d) if the tenant is absent from the premises for a period of time equal to one-half the time for periodic rental payments. If the rent is current and the tenant notifies the landlord of an intended absence, then the landlord may enter only with the consent of the tenant or for the protection or preservation of the premises.

(3) The landlord shall not abuse the right of access nor use it to harass the tenant.

83.54 Remedies; enforcement of rights and duties; civil action.—Any right or duty declared in this part is enforceable by civil action.

83.55 Remedies; right of action for damages.—If either the landlord or the tenant fails to comply with the requirements of the rental agreement or this part, the aggrieved party may recover the damages caused by the noncompliance.

83.56 Remedies; termination of rental agreement.—

(1) If the landlord materially fails to comply with §83.51(1) or material provisions of the rental agreement within seven days after delivery of written notice by the tenant specifying the noncompliance and indicating the intention of the tenant to terminate the rental agreement by reason thereof, the tenant may terminate the rental agreement. If the failure to comply with §83.51(1) or material provisions of the rental agreement is due to causes beyond the control of the landlord and the landlord has made and continues to make every reasonable effort to correct the failure to comply, the rental agreement may be terminated, or altered by the parties, as follows:

(a) if the landlord's failure to comply renders the dwelling unit uninhabitable and the tenant vacates, the tenant shall not be liable for rent during the period the dwelling unit remains uninhabitable;

(b) if the landlord's failure to comply does not render the dwelling unit uninhabitable and the tenant remains in occupancy, the rent for the period of noncompliance shall be reduced by an amount in proportion to the loss of rental value caused by the noncompliance.

(2) If the tenant materially fails to comply with §83.52 or material provisions of the rental agreement, other than a failure to pay rent, within seven days after delivery of written notice by the landlord specifying the noncompliance and indicating the intention of the landlord to terminate the rental agreement by reason thereof, the landlord may terminate the rental agreement.

(3) If the tenant fails to pay rent when due and the default continues for three days after delivery of written demand by the landlord for payment of the rent or possession of the premises, the landlord may terminate the rental agreement.

(4) The delivery of the written notices required by subsections (1), (2), and (3) of this section shall be by mailing or

delivery of a true copy thereof or, if the tenant is absent from his last or usual place of residence, by leaving a copy thereof at the residence.

(5) If the landlord accepts rent with actual knowledge of a noncompliance by the tenant, or accepts performance by the tenant of any other provision of the rental agreement that is at variance with its provisions, or if the tenant pays rent with actual knowledge of a noncompliance by the landlord, or accepts performance by the landlord of any other provision of the rental agreement that is at variance with its provisions, the landlord or tenant waives his right to terminate the rental agreement or to bring a civil action for that noncompliance, but not for any subsequent or continuing noncompliance.

(6) If the rental agreement is terminated, the landlord shall comply with §83.49(3).

83.57 Remedies; termination of tenancy without specific term.—A tenancy without a specific duration, as defined in §83.46(2), may be terminated by either party giving written notice in the manner provided in §83.56(4), as follows:

(1) When the tenancy is from year to year, by giving not less than sixty days notice prior to the end of any annual period;

(2) When the tenancy is from quarter to quarter, by giving not less than thirty days notice prior to the end of any quarterly period;

(3) When the tenancy is from month to month, by giving not less than fifteen days notice prior to the end of any monthly period; and

(4) When the tenancy is from week to week, by giving not less than seven days notice prior to the end of any weekly period.

83.58 Remedies; tenant holding over.—If the tenant holds over and continues in possession of the dwelling unit, or any part thereof, after the expiration of the rental agreement without the permission of the landlord, the landlord may recover possession of the dwelling unit in the manner provided for in §83.59. The landlord may also recover double the amount of rent due on the dwelling unit, or any part thereof, for the period during which the tenant refuses to surrender possession.

83.59 Remedies; right of action for possession.—

(1) If the rental agreement is terminated and the tenant does not vacate the premises, the landlord may recover possession of the dwelling unit as provided in this section.

(2) A landlord applying for the removal of a tenant shall file a complaint describing the dwelling unit and stating the facts that authorize its recovery in the proper court of the county where the premises are situated. The landlord is entitled to the summary procedure provided in §51.011, and the court may advance the cause on the calendar.

(3) The landlord shall not recover possession of a dwelling unit except:

(a) in an action for possession under subsection (2) of this section, or other civil action in which the issue of right of possession is determined;

(b) when the tenant has surrendered possession of the dwelling unit to the landlord; or

(c) when the tenant has abandoned the dwelling unit. In the absence of actual knowledge of abandonment, it shall be presumed that the tenant has abandoned the dwelling unit if he is absent from the premises for a period of time equal to one-half the time for periodic rental payments; provided, however, this presumption shall not apply if the rent is current or the tenant has notified the landlord of an intended absence.

(4) The prevailing party is entitled to have judgment for costs and execution therefor.

83.60 Remedies; defenses to action for rent or possession; procedure.—

(1) In an action by the landlord for possession of a dwelling unit based upon non-payment of rent, or in an action by the landlord under §83.55 seeking to recover unpaid rent, the tenant may defend upon the ground of a material noncompliance with §83.51(1), or may raise any other defense, whether legal or equitable, that he may have. The defense of a material non-

compliance with §83.51(1) may only be raised by the tenant if seven days have elapsed after the delivery of written notice by the tenant to the landlord as prescribed in §83.56(4), specifying the noncompliance and indicating the intention of the tenant not to pay rent by reason thereof. A material noncompliance with §83.51(1) by the landlord is a complete defense to an action for possession based upon nonpayment of rent, and upon hearing, the court or the jury, as the case may be, shall determine the amount, if any, by which the rent is to be reduced to reflect the diminution in value of the dwelling unit during the period of noncompliance with §83.51(1). After consideration of all other relevant issues, the court shall enter appropriate judgment.

(2) In an action by the landlord for possession of a dwelling unit based upon non-payment of rent, if the tenant interposes a defense of material noncompliance with §83.51(1), the tenant shall pay into the registry of the court the accrued rent when due as alleged in the complaint and the rent which accrues during the pendency of the proceeding.

83.61 Disbursement of funds in registry of court; prompt final hearing.—When the tenant has deposited funds into the registry of the court in accordance with the provisions of §83.60(2), and the landlord is in actual danger of loss of the premises or other hardship relating to the premises, the landlord may apply to the court for disbursement of all or part of the funds or for prompt final hearing. The court may advance the cause on the calendar. The court, after preliminary hearing, may award all or any portion of the funds on deposit to the landlord or may proceed immediately to a final resolution of the cause.

83.62 Remedies; removal of tenant; process.—In an action for possession, after entry of judgment in favor of the landlord, the clerk shall issue a writ to the sheriff describing the premises and commanding him to put the landlord in possession after 24 hours notice conspicuously posted on the premises. In the case of the removal of the mobile home of any tenant for the reason of holding over after the expiration of the rental agreement, the writ of possession shall not issue earlier than thirty days from the service of the complaint for removal upon the tenant.

83.63 Remedies; casualty damage.—If the premises are damaged or destroyed other than by the wrongful or negligent acts of the tenant so that the enjoyment of the premises is substantially impaired, the tenant may terminate the rental agreement and immediately vacate the premises. The tenant may vacate the part of the premises rendered unusable by the casualty, in which case his liability for rent shall be reduced by the fair rental value of that part of the premises damaged or destroyed if the rental agreement is terminated, the landlord shall comply with §83.49(3).

83.64 Retaliatory conduct prohibited.—

(1) A landlord may not retaliate against the tenant by increasing rent or decreasing services or by bringing or threatening to bring an action for possession or other civil action because the tenant in good faith, prior to notice of termination of the rental agreement, increase in rent or decrease in services has:

(a) complained to a governmental agency charged with responsibility for enforcement of a building, housing or health code of a violation applicable to the premises;

(b) complained to the landlord of a violation of the rental agreement or of any of the provisions of this part;

(c) complained to any governmental agency about an illegal or unauthorized increase in rent; or

(d) organized, encouraged or participated in a tenant organization.

(2) If the landlord acts in violation of subsection (1), the tenant shall be entitled to the remedies provided in this part, and in addition may interpose a defense of retaliation in any action against him for possession, except as provided in subsection (3). The defense of retaliation is a defense to an action for possession.

(3) The tenant does not have a valid defense of retaliation if:

(a) the violation of the applicable building, housing or health code was caused primarily by the lack of due care by the tenant or other person in his household or upon the premises with his consent; or

(b) the tenant is in default in rent and has not interposed a defense of material noncompliance by the landlord with §83.51(1); or

(c) compliance with the applicable building, housing or health code requires alteration, remodeling or demolition which would effectively deprive the tenant of use of the dwelling unit.

Section 3. Section 713.691, Florida Statutes, is created to read:

713.691 Landlord's lien for rent; exemptions.—

(1) With regard to a residential tenancy, the landlord has a lien on all personal property of the tenant located on the premises for accrued rent due to the landlord under the rental agreement. This lien shall be in addition to any other liens upon such property which the landlord may acquire by law, and may be modified or waived, in whole or in part, by the provisions of a written rental agreement.

(2) When the tenant is the head of a family, personal property owned by him in the value of \$1,000 is exempt from the lien provided by this section. This subsection does not authorize an exemption any greater than that which may be available to the tenant in Article X, §4 of the Constitution of the State of Florida.

(3) The remedy of distress for rent is abolished with regard to residential tenancies.

Section 4. Section 48.183, Florida Statutes, is created to read:

48.183 Service of process in action for possession of residential premises.—In an action for possession of residential premises under §83.59, if neither the tenant nor a person of the tenant's family above 15 years of age can be found after diligent search and inquiry at the usual place of residence of the tenant, summons may be served by attaching a copy to a conspicuous place on the property described in the complaint or summons.

Section 5. Section 83.261, Florida Statutes, is renumbered Section 83.49, Florida Statutes, and is amended to read:

83.49 Deposit money or advance rent; duty of landlord.

~~(1) This section shall be known as the landlord and tenant security deposit act.~~

~~(2)(a)~~(1) Whenever money shall be is deposited or advanced by a tenant on a contract for the use or rental of a housing unit, rental agreement as security for performance of the contract, rental agreement, or as advance rent which is held in excess of three months by the landlord or his agent, such money the total amount of such money held by the landlord on behalf of the tenants shall be held in trust a separate account for the benefit of the tenants by the landlord and shall not be commingled with any other funds of the landlord; or, in the alternative, the landlord shall post a surety bond with the clerk of the circuit court in the county in which the housing dwelling unit is located in a total amount of the security deposits and advance rent he holds on behalf of the tenants, or fifty thousand dollars, whichever is less, executed by the landlord as principal and a surety company authorized and licensed to do business in the state as surety. The bond shall be conditioned upon the faithful compliance of the landlord with the provisions of this section and shall run to the state governor for the benefit of any tenant injured by the landlord's violation of the provisions of this section.

~~(b)~~(2) Whenever the landlord shall require a security deposit, or advance rent, which is held in excess of six months by the landlord or his agent, it shall accumulate interest at the rate of 5 percent per annum, simple interest. However, no interest shall be required to be paid to the tenant when such moneys are held in trust a separate account for the benefit of the tenants and not commingled with other funds of the landlord, and the landlord shall not hypothecate, pledge or in any other way make use of such moneys until such moneys are actually due the landlord. If such funds are indeed deposited in an interest bearing account, said account shall be in a Florida banking institution and the landlord shall immediately

notify the tenant the name and address of the banking institution and the amount of his money so deposited, and the tenant shall receive and collect at least 75 percent of the interest payable on such account, in lieu of the payment of 5 percent interest by the landlord. The landlord shall, within thirty days of receipt of advance rent or a security deposit, notify the tenant in writing of the manner in which the landlord is holding the advance rent or security deposit, the rate of interest, if any, which the tenant is to receive and the time of interest payments to the tenant. The landlord shall pay or credit the interest to the tenant at least once annually.

(c) For the purposes of this section "tenant" shall include a mobile home owner or lessee and "housing unit" shall include a lot or space in a mobile home park. The minimum security deposit subject to the provisions of this section with respect to mobile home parks shall be fifty dollars.

(3) Any provision of a contract or agreement by which a tenant purports to waive his rights under this section is absolutely void.

(4) (3)(a) Upon the vacating of the premises for termination of the lease, or for other reason, the landlord shall have fifteen days to return said security deposit together with interest or in which to give the tenant written notice by certified mail of his intention to impose a claim thereon at the tenant's last known mailing address, or forfeit his right to do so. The notice shall contain a statement in substantially the following form:

This is a notice of my intention to impose a claim for damages in the amount of _____ upon your security deposit. It is sent to you as required by section 83.49(3), Florida Statutes. You are hereby notified that you must object in writing to this deduction from your security deposit within fifteen days from the time you receive this notice or I will be authorized to deduct my claim from your security deposit. Your objection must be sent to _____.

landlord's address

If the landlord fails to give the required notice within the fifteen-day period, he forfeits his right to impose a claim upon the security deposit. Unless the tenant shall request the return of the deposit in writing by certified mail within 15 days after his vacating of the premises, the landlord may then deduct the amount of his claim and remit the balance of the deposit to the tenant.

(b) Unless the tenant shall object to the imposition of the landlord's claim or the amount thereof within fifteen days after receipt of the landlord's notice of intention to impose a claim, the landlord may then deduct the amount of his claim and remit the balance of the deposit to the tenant.

(c) If either party institutes an action in a court of competent jurisdiction to adjudicate his right to the security deposit, the prevailing party is entitled to receive his court costs plus a reasonable fee for his attorney.

(5)(4) The provisions of this section shall not apply to any part of a deposit made by a tenant that may be treated as an advance payment of rent, and shall not apply to transient rentals by hotels or motels as defined in chapter 509, nor shall it apply to those instances in which the amount of rent or deposit or both is regulated by law or rules or regulations of a public body other than for rent stabilization.

(6) No portion of this section shall be applicable to any contracts in force as of September 1, 1969.

(7) (5) The provisions of this section subsection (2) shall not apply to any landlord who rents fewer than five individual housing dwelling units.

Section 6. Section 83.72, Florida Statutes, is created to read:

83.72 Violations may be enjoined.—The attorney general and his assistants, or the state attorneys and their assistants of the various judicial circuits of the state are vested with the authority and the power to invoke the jurisdiction of courts of competent jurisdiction within their respective judicial circuits to enjoin or obtain other equitable relief against persons violating the provisions of sections 83.49, 83.69, 83.70 and 83.71. The prevailing party shall receive court costs and reasonable attorney fees, to be deposited in or paid from the general revenue fund.

Section 7. Section 713.67, Florida Statutes, is amended to read:

713.67 Liens for board, lodging, etc., at hotels, etc.—In favor of keepers of hotels, apartment houses, rooming houses, and boarding houses for the board, lodging and occupancy of and for moneys advanced to transient guests or tenants, upon the goods and chattels belonging to such guests or tenants in such hotel, apartment house, rooming house or boarding house, including garage and storeroom. Upon the non-payment of such sums in accordance with the rules of such hotels, apartment houses, rooming houses or boarding houses, the keeper thereof may instantly eject such transient guests or tenants therefrom.

Section 8. Section 713.68, Florida Statutes, is amended to read:

713.68 Liens for hotels, apartment houses, rooming houses, boarding houses, etc.—In favor of any person conducting or operating any hotel, apartment house, rooming house, boarding house or tenement house where rooms or apartments are let for hire or rental, on a transient basis. Such lien shall exist on all the property including trunks, baggage, jewelry and wearing apparel, guns and sporting goods, furniture and furnishings and other personal property of any person which property is brought into or placed in any room or apartment of any hotel, apartment house, lodging house, rooming house, boarding house or tenement house when such person shall occupy, on a transient basis, such room or apartment as tenant, lessee, boarder, roomer or guest for the privilege of which occupancy money or anything of value is to be paid to the person conducting or operating such hotel, apartment house, rooming house, lodging house, boarding house or tenement house. Such lien shall continue and be in full force and effect for the amount payable for such occupancy until the same shall have been fully paid and discharged.

Section 9. Section 509.141(1), Florida Statutes, is amended to read:

509.141 Refusal of admission and ejection of undesirable guests; notice, procedure, etc.—

(1) The manager, assistant manager, desk clerk or other person in charge or in authority in any hotel, apartment house, tourist camp, motor court, restaurant, rooming house or trailer court shall have the right to remove, cause to be removed, or eject from such hotel or apartment house, tourist camp, motor court, restaurant, rooming house or trailer court in the manner hereinafter provided, any transient guest of said hotel, apartment house, tourist camp, motor court, restaurant, rooming house or trailer court, who, while in said hotel, apartment house, tourist camp, motor court, restaurant, rooming house or trailer court premises is intoxicated, immoral, profane, lewd, brawling, or who shall indulge in any language or conduct either such as to disturb the peace and comfort of other guests of such hotel, apartment house, tourist camp, motor court, restaurant, rooming house or trailer court or such as to injure the reputation or dignity or standing of such hotel, apartment house, tourist camp, motor court, restaurant, rooming house or trailer court, or who, in the opinion of the management, is a person whom it would be detrimental to such hotel, apartment house, tourist camp, motor court, restaurant, rooming house, or trailer court for it any longer to entertain, but the admission to, or the removal from, such accommodations shall not be based upon race, creed, color, sex, or national origin.

Section 10. Section 85.011(5), Florida Statutes, is amended to read:

85.011 Enforcement by persons in privity with the owner.—All liens on real or personal property provided for by part I or part II of Chapter 713 are enforceable by persons in privity with the owners, except when otherwise provided, as follows:

(5) Summary action.—

(a) By a person claiming a lien for labor performed, or claiming a landlord's lien under §713.691, filing in the court having jurisdiction of the amount of the lien claimed, a complaint describing the property on which a lien is claimed and stating the facts which authorize or create the lien. Such person is entitled to the summary procedure under section 51.011.

(b) If the issues are found for plaintiff, judgment shall be entered for the amount found to be due him with fifteen per-

cent attorney's fee and costs. The judgment is a prior lien on the property described in the petition over all other liens accruing or that may be filed subsequent to the day the lien for such labor performed or *unpaid rent* accrued but if such issues are found for defendant, judgment shall be entered dismissing the action.

Section 11. Section 85.051, Florida Statutes, is amended to read:

85.051 Time of bringing action.—When there has been no record of a notice of lien, action to enforce a lien (if it exists without such record) must be brought within twelve months from the *accrual of the unpaid rent*, the performance of the work or the furnishing of the materials, and if there has been such record, the action must be brought within twelve months from the time of such record.

Section 12. Section 92.40, Florida Statutes, is created to read:

92.40 Reports of building, housing or health code violations; admissibility.—A copy of a report, notice or citation of a violation of any building, housing or health code by a governmental agency charged with the enforcement of such codes, certified by the agency, if otherwise material shall be admissible as evidence.

Section 13. Sections 83.255, 83.271, 83.281, and 83.291, Florida Statutes, are renumbered Sections 83.68, 83.69, 83.70 and 83.71, respectively.

Section 14. Sections 82.02, 82.04 and 82.081(2), Florida Statutes, are hereby repealed with regard to residential tenancies, and section 821.31, Florida Statutes, is repealed.

Section 15. The division of hotels and restaurants of the department of business regulations shall notify its licensees who are covered by this part of the requirements of this part.

Section 16. This act shall take effect on July 1, 1973, except that §83.51, and §83.56(1) and §83.60 to the extent that they are dependent on §83.51, as enacted in section 2 of this act, shall take effect on January 1, 1974. It applies to rental agreements entered into, extended or renewed after that date.

The Committee on Consumer Affairs offered the following amendment which was moved by Senator Myers:

Amendment 2—On page 24, line 13, strike the period and insert: with respect to all dwelling units covered under this act except dwelling units owned and operated by public housing authorities. With respect to dwelling units owned and operated by public housing authorities, the act shall take effect on July 1, 1973, except that sections 83.51 and 83.56(1) and 83.60 to the extent that they are dependent on section 83.51, as enacted in section 2 of this act, shall take effect on July 1, 1975.

Amendment 2 was adopted by the following vote:

Yeas—22

Mr. President	Gordon	Myers	Trask
Barron	Graham	Peterson	Vogt
Childers	Lane (31st)	Poston	Winn
Firestone	Lane (23rd)	Saunders	Zinkil
Gillespie	Lewis	Sims	
Glisson	McClain	Smathers	

Nays—12

Deeb	Johnston	Saylor	Ware
Gallen	Pettigrew	Stolzenburg	Weber
Johnson	Plante	Sykes	Wilson

On motion by Senator Myers the following amendment was adopted:

Amendment 3—On page 5, lines 4 and 5, strike “and (b) maintain” and insert: or, (b) where there are no applicable building, housing or health codes, maintain

On motion by Senator Sims the following amendment was adopted:

Amendment 4—On page 12, line 26, strike “ a defense of material noncompliance with §83.51(1)” and insert: any defense other than payment

On motions by Senator Weber the following amendments were adopted:

Amendment 5—On pages 13-15, lines 31, 32 on 13; 1-32 on 14; 1 on 15 strike all of 83.64 Retaliatory Conduct Prohibited

Amendment 6—On page 15, lines 25 and 26 strike “above 15 years of age can be found after diligent search and inquiry” and insert: 18 years of age or older can be found

On motion by Senator Deeb the following amendment was adopted:

Amendment 7—On page 9, lines 4 and 8, strike “uninhabitable” and insert: untenable

On motion by Senator Sims the following amendment was adopted:

Amendment 8—On page 11, line 11, strike “proper” and insert: county

On motion by Senator Gallen the following amendment was adopted:

Amendment 9—On page 19, strike all of Section 6 and renumber the remaining sections accordingly.

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

Amendment 10—On page 8, line 1 insert: “in writing” between the words “consent” and “of”

Senators Gallen and Myers offered the following amendment which was adopted on motion by Senator Gallen:

Amendment 11—On page 12, line 24, strike lines 24 through 29 and insert: (2) In an action by the landlord for possession of a dwelling unit based upon non-payment of rent, if the tenant interposes any defense other than payment, the tenant shall pay into the registry of the court the accrued rent as alleged in the complaint, or as determined by the court, and the rent which accrues during the pendency of the proceeding, when due. Failure of the tenant to pay the rent into the registry of the court as provided herein constitutes an absolute waiver of the tenant's defenses other than payment and the landlord is entitled to an immediate default.

On motion by Senator Ware the following amendment was adopted:

Amendment 12—On page 3, line 3, after “hotel,” insert: condominium,

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

Amendment 13—On page 12, lines 10-15, strike everything after the word “have” on line 10 thru the word “thereof.” on line 15

On motion by Senator Brantley the following amendment was adopted:

Amendment 14—On page 8, line 8 after the word “sanitary”, insert:, and in repair

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

Amendment 15—On page 12, line 12, strike “written”

On motion by Senator Sims the following amendment was adopted:

Amendment 16—On page 13, line 4, strike “hardship relating to the premises” and insert: personal hardship resulting from the loss of rental income from the premises

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

Amendment 17—On page 24, line 10, strike Section 16 and insert: Section 16. This act shall take effect January 1, 1974.

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

Amendment 18—On page 1, lines 21 and 22, strike "prohibiting retaliatory conduct;"

On motion by Senator Myers, by two-thirds vote HB 1423 as amended was read the third time by title and passed. The vote was:

Yeas—35

Mr. President	Gordon	McClain	Sykes
Barron	Graham	Myers	Trask
Brantley	Gruber	Peterson	Vogt
Deeb	Henderson	Pettigrew	Ware
de la Parte	Johnson	Plante	Weber
Firestone	Johnston	Poston	Wilson
Gallen	Lane (31st)	Sayler	Winn
Gillespie	Lane (23rd)	Sims	Zinkil
Glisson	Lewis	Smathers	

Nays—2

Scarborough Stolzenburg

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

The bill with amendments was delivered to the engrossing clerk.

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

HB 1168—A bill to be entitled An act relating to the City of Orlando; amending Section 9 of Chapter 9861, Laws of Florida, 1923, by authorizing such Utilities Commission to acquire, construct and/or operate electric plants and lines and incidental facilities within the boundaries of Orange and Brevard counties and each and every other county within the State of Florida; to acquire, construct and/or operate water plants and mains within Orange County; to furnish electricity, power and water in any part of Orange County; to construct and maintain electric lines and water mains along and under the public highways or streets in Orange County; and contract with any other municipality or public utility in Orange County for furnishing to it electricity and water, provided that said Commission shall not serve any consumer outside of Orange County, except its own facilities or employees on property controlled by said Commission or the City of Orlando, and providing said Commission may contract to connect with facilities of one or more public utilities within the State of Florida and buy and sell electricity through such connections, and authorizing the Orlando Utilities Commission and the City of Orlando to do any acts necessary or required to effectuate said provisions, including the authority and power of purchase of or eminent domain over private or public lands or property whatsoever necessary to carry out the provisions and accomplish the purposes of this act; providing an effective date.

—as amended passed this day.

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

Amendment 2—On page 2, lines 17-18, after the word "county" on line 17, strike "and each and every other county of the state of Florida"

Senators Wilson and Ware offered the following amendment which was adopted by two-thirds vote on motion by Senator Wilson:

Amendment 3—On page 2, lines 7 and 8, strike subsection 2. and renumber and insert: 2. The authority granted to the Utilities Commission, when exercised without the municipality of Orlando, shall be subject to the regulation of and authority of the Public Service Commission as established by law.

HB 1168 passed as further amended by the following vote:

Yeas—33

Mr. President	Graham	Peterson	Trask
Barron	Gruber	Pettigrew	Vogt
Brantley	Henderson	Poston	Ware
Deeb	Johnson	Sayler	Weber
de la Parte	Johnston	Scarborough	Winn
Firestone	Lane (23rd)	Sims	Zinkil
Gallen	Lewis	Smathers	
Gillespie	McClain	Stolzenburg	
Glisson	Myers	Sykes	

Nays—1

Wilson

The bill with amendments was delivered to the engrossing clerk.

CS for HB's 2, 41 and 503—A bill to be entitled An act relating to exemptions from ad valorem taxation; amending subsection (9) of §196.012, Florida Statutes, providing an amended definition of gross income; creating subsection (1) of §196.197, Florida Statutes; amending subsection (1) and (2) of §196.197, Florida Statutes, 1971, providing that medical and religious areas of homes for the aged are exempt; creating subsection (4) of §196.197, Florida Statutes, 1971, providing additional provision for exempting real property used by homes for the aged; establishing procedures and criteria for granting exemptions; establishing a maximum exemption; providing a definition; providing an effective date.

—was read the second time by title. On motion by Senator Sayler, by two-thirds vote CS for HB's 2, 41 and 503 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—None

HB 1247—A bill to be entitled An act relating to the historic preservation project review council; amending chapter 267, Florida Statutes, by creating section 267.0615, Florida Statutes, creating the council; providing for its membership; providing duties and responsibility; providing for rules and regulations; providing a project evaluation procedure; providing for the development of matching fund procedures; providing an effective date.

—was read the second time by title. On motion by Senator Graham, by two-thirds vote HB 1247 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

Mr. President	Gruber	Pettigrew	Trask
Barron	Henderson	Plante	Vogt
Brantley	Johnson	Poston	Ware
Deeb	Johnston	Sayler	Weber
Firestone	Lane (31st)	Scarborough	Wilson
Gallen	Lane (23rd)	Sims	Winn
Gillespie	Lewis	Smathers	Zinkil
Gordon	McClain	Stolzenburg	
Graham	Peterson	Sykes	

Nays—None

By unanimous consent Senator Childers was recorded as voting yea.

On motion by Senator Barron, by two-thirds vote time of adjournment was extended until 5:45 p.m.

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.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 646 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Mr. President	Graham	Myers	Sykes
Barron	Gruber	Peterson	Trask
Brantley	Henderson	Plante	Vogt
Firestone	Johnson	Poston	Ware
Gallen	Lane (31st)	Scarborough	Weber
Gillespie	Lane (23rd)	Sims	Winn
Glisson	Lewis	Smathers	Zinkil
Gordon	McClain	Stolzenburg	

Nays—2

Johnston	Wilson
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By unanimous consent Senator Childers was recorded as voting yea.

SB 1366—A bill to be entitled An act authorizing expenditures for fixed capital outlay projects at community colleges, area vocational-technical centers, and institutions under the board of regents; providing an effective date.

—was read the second time by title. On motion by Senator Graham, by two-thirds vote SB 1366 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Henderson	Pettigrew	Vogt
Barron	Johnson	Plante	Ware
Brantley	Johnston	Poston	Weber
Firestone	Lane (31st)	Sayler	Wilson
Gillespie	Lane (23rd)	Sims	Winn
Glisson	Lewis	Smathers	Zinkil
Gordon	McClain	Stolzenburg	
Graham	Myers	Sykes	
Gruber	Peterson	Trask	

Nays—None

By unanimous consent Senator Childers was recorded as voting yea.

CS for CS for HB's 315 & 376—A bill to be entitled An act relating to claims against the state; authorizing suits against the state or any of its agencies or political subdivisions for the tortious acts of their employees; providing a definition; providing for assistance; providing for appeals; providing for maximum claims; providing for notice; providing for service; providing a maximum on attorney fees; providing that officers

and employees shall not be personally liable; providing the limitations of this act shall not apply when the entity has insurance; providing that the state or its agencies or subdivisions may purchase insurance if allowed by law; providing that claims must be filed within a certain period; providing that no action may be brought under certain circumstances; providing an effective date.

—was read the second time by title.

On motion by Senator Poston the following amendment was adopted:

Amendment 1—On page 4, immediately following line 18 insert: Agencies or political subdivisions presenting homogenous risks may join together to purchase insurance protection or to provide other means of meeting obligations for damages as provided by this act.

On motion by Senator McClain, by two-thirds vote CS for CS for HB's 315 & 376 as amended was read the third time by title and passed. The vote was:

Yeas—21

Mr. President	Gruber	Peterson	Ware
Barron	Johnson	Pettigrew	Winn
Brantley	Lane (31st)	Scarborough	Zinkil
Gillespie	Lewis	Smathers	
Gordon	McClain	Sykes	
Graham	Myers	Trask	

Nays—10

Gallen	Johnston	Sims	Wilson
Glisson	Lane (23rd)	Stolzenburg	
Henderson	Poston	Vogt	

By unanimous consent, Senators Sayler and Plante were recorded as voting yea; Senator Weber as voting nay; and Senators Lane (31st) and Zinkil changed their votes from yea to nay.

The bill with amendment was delivered to the engrossing clerk.

Senator Scarborough moved that CS for CS for HB 1176 be withdrawn from the Committee on Ways and Means and placed on the calendar.

Senator Pettigrew moved as an amendment to the motion by Senator Scarborough that CS for HB 1988 also be withdrawn from the Committee on Ways and Means.

Senator Sayler moved as a substitute motion that SB 28 be withdrawn from the Committee on Ways and Means and placed on the calendar.

Senator Pettigrew moved as an amendment to the substitute motion that CS for HB 1988 also be withdrawn from the Committee on Ways and Means.

The motion by Senator Pettigrew to amend the motion by Senator Scarborough was adopted by the following vote:

Yeas—21

Mr. President	Graham	Pettigrew	Wilson
Brantley	Gruber	Plante	Winn
Firestone	Henderson	Poston	Zinkil
Gillespie	Lane (31st)	Sayler	
Glisson	Lewis	Trask	
Gordon	Myers	Vogt	

Nays—16

Barron	Johnson	Peterson	Stolzenburg
Childers	Johnston	Scarborough	Sykes
Deeb	Lane (23rd)	Sims	Ware
Gallen	McClain	Smathers	Weber

The motion by Senator Pettigrew to amend the substitute motion by Senator Sayler failed by the following vote:

Yeas—13

Mr. President	Gordon	Lane (31st)	Wilson
Brantley	Graham	Pettigrew	
Firestone	Gruber	Sayler	
Gillespie	Henderson	Vogt	

Nays—14

Barron	Johnson	Peterson	Weber
Childers	Johnston	Sims	Zinkil
Deeb	Lane (23rd)	Sykes	
Gallen	McClain	Trask	

The question recurred on the substitute motion by Senator Saylor. The motion failed by the following vote:

Yeas—7

Glisson	Plante	Stolzenburg	Wilson
Lane (31st)	Sayler	Ware	

Nays—29

Mr. President	Gruber	Peterson	Trask
Brantley	Henderson	Pettigrew	Vogt
Childers	Johnson	Poston	Weber
Firestone	Johnston	Saunders	Winn
Gallen	Lane (23rd)	Scarborough	Zinkil
Gillespie	Lewis	Sims	
Gordon	McClain	Smathers	
Graham	Myers	Sykes	

The motion by Senator Scarborough failed by the following vote:

Yeas—17

Mr. President	Graham	Myers	Wilson
Firestone	Gruber	Pettigrew	Winn
Gillespie	Henderson	Plante	
Glisson	Johnson	Poston	
Gordon	Lane (31st)	Vogt	

Nays—19

Brantley	Lane (23rd)	Scarborough	Trask
Childers	Lewis	Sims	Ware
Deeb	McClain	Smathers	Weber
Gallen	Peterson	Stolzenburg	Zinkil
Johnston	Sayler	Sykes	

Senator Ware moved that the Senate reconsider the vote by which the substitute motion by Senator Saylor failed. The motion failed.

Senator Barron moved that CS for HB 1988 be withdrawn from the Committee on Ways and Means.

Senator Scarborough moved as a substitute motion that CS for CS for HB 1176 be withdrawn from the Committee on Ways and Means and placed on the calendar.

Senator Pettigrew moved as an amendment to the substitute motion that CS for HB 1988 be withdrawn from the Committee on Rules and Calendar. The motion failed by the following vote:

Yeas—17

Mr. President	Graham	Pettigrew	Wilson
Firestone	Henderson	Plante	Winn
Gillespie	Johnson	Poston	
Glisson	Lane (31st)	Saunders	
Gordon	Lewis	Vogt	

Nays—20

Barron	Gruber	Sayler	Sykes
Brantley	Johnston	Scarborough	Trask
Childers	Lane (23rd)	Sims	Ware
Deeb	McClain	Smathers	Weber
Gallen	Peterson	Stolzenburg	Zinkil

The substitute motion was adopted.

On motion by Senator Scarborough, by two-thirds vote, CS for CS for HB 1176 was placed at the end of the special order calendar.

SB 1367—A bill to be entitled An act relating to state attorneys; amending §27.25(4), Florida Statutes, 1972 Supplement; providing a funding formula; amending §27.34 Florida Statutes, 1972 Supplement; providing that the counties shall provide state attorneys with office space, utilities, janitorial, and other services; prohibiting municipalities and counties from otherwise appropriating funds for the operation of state attorney offices; providing for salaries; providing an effective date.

—was read the second time by title.

On motion by Senator Vogt the following amendment was adopted:

Amendment 1—On page 3, strike line 16, and insert: New Section 3. Section 3. Subsection (2) of Section 27.271, Florida Statutes is amended to read: (2) This section shall not be construed to allow mileage or per diem for travel by any state attorney or assistant state attorney between his home and the courthouse *designated as the travel headquarters of said state attorney or assistant state attorney* or for time spent at the county seat of the county in which he resides.

On motion by Senator Johnson the following amendment was adopted:

Amendment 2—On page 3, line 5, strike everything after "salary."

The vote was:

Yeas—19

Childers	Johnson	Peterson	Trask
Deeb	Johnston	Plante	Ware
de la Parte	Lane (31st)	Sims	Weber
Gallen	Lewis	Stolzenburg	Wilson
Henderson	McClain	Sykes	

Nays—14

Brantley	Gruber	Poston	Winn
Firestone	Lane (23rd)	Saunders	Zinkil
Gordon	Myers	Smathers	
Graham	Pettigrew	Vogt	

Senator de la Parte moved that the Senate reconsider the vote by which Amendment 2 was adopted. The motion was adopted by the following vote:

Yeas—20

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

Nays—13

Deeb	Johnston	Sims	Wilson
Gallen	Lewis	Stolzenburg	
Henderson	McClain	Sykes	
Johnson	Plante	Ware	

The question recurred on the adoption of Amendment 2, which failed. The vote was:

Yeas—10

Deeb	Lewis	Sims	Wilson
Gallen	McClain	Sykes	
Henderson	Plante	Ware	

Nays—23

Mr. President	Gillespie	Lane (23rd)	Smathers
Barron	Gordon	Myers	Stolzenburg
Brantley	Graham	Peterson	Trask
Childers	Gruber	Pettigrew	Vogt
de la Parte	Johnson	Poston	Winn
Firestone	Johnston	Saunders	

On motion by Senator Barron, by two-thirds vote time of adjournment was extended until completion of special order calendar.

On motion by Senator de la Parte the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 31, 1973

I am directed to inform the Senate that the House of Representatives requests return of—

By the Committee on Transportation—

SB 1146—A bill to be entitled An act relating to drivers' licenses; amending §322.04(2), Florida Statutes, providing a time extension for nonresidents to obtain drivers' licenses; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motion by Senator Poston, SB 1146 was returned to the House as requested.

The Honorable Mallory E. Horne, President May 31, 1973

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment to House Amendment 1 and passed as further amended SB 1308.

Allen Morris, Clerk

The bill contained in the above message was ordered engrossed.

The Honorable Mallory E. Horne, President May 31, 1973

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed Representatives MacKay, Birchfield, Dubbin, Hodes and Johnson as House conferees and Representatives Nelson, Young and Mooney as alternates on CS for HB 734.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 31, 1973

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

By the Committee on Elections and Representative Martinez and others—

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.

Senate amendment 1

On page 2, strike everything after the enacting clause and insert the following: 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 and including the endorsement of any candidate or group of candidates by any type of communication media.

(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) 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.

(e) 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, and 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 7 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 six (6) 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.

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

(1) 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 and assessments 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 continuing 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. Willful 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 (multicounty) 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;

(1) The amount and nature of debts and obligations owed by or to the committee or candidate, which relate to the conduct of any political campaign, 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 primary, second primary and general election shall be deemed separate elections or election time segments whether or not the candidate has opposition in the respective 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 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.

(4) For the 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.

(5) For any other office, excluding judicial office, and state attorneys and public defenders 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.

(6) For the office 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.

(7) 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.

(8) 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 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.

(9) 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.

(10) Expenditures made by a political committee for obtaining time, space, or services by any communications media for purposes of jointly endorsing six (6) or more candidates are not 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 author-

izing 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 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, 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 of 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 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 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 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.

(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) 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 during working hours.

(6) Any person violating the provisions of this section 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 the candidate or his campaign treasurer have been convicted of violating section 19 of this act.

(2) 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.

(3) 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 and willfully:

(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 may be in addition to the penalties provided by subsections (1) 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 accounts 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 evidence that has been subpoenaed, the division 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, 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. 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.

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, unless the membership is increased pursuant to subsection (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. 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 governor shall appoint three (3) persons each from a list of at least fifteen (15) 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 five (5) 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. 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.

(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 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 federal, 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. 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. 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 federal, 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. 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.

(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 wit-

nesses, 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. 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 pro-

ceedings 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.

(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.

(3) Upon receipt of a determination by the commission 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.

(4) 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.

(4) 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, and 104.372, 1972 Supplement, Florida Statutes, as amended by section 1 of chapter 72-106, Laws of Florida, are repealed.

Section 31. 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.

Section 32. 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.

Section 33. This act shall take effect upon becoming law.

Amendment 2 to Senate amendment 1

On page 9, line 1, strike “seventy-five percent (75%)” and insert the following: “twenty-five percent (25%)”

Amendment 3 to Senate amendment 1

On page 14, line 24, strike “Willful failure to comply with” and insert the following: “Failure to file a complete report after”

Amendment 4 to Senate amendment 1

On page 37, line 8, strike “secretary of state” and insert the following: “governor”

Amendment 5 to Senate amendment 1

On page 38A, line 5, strike after “candidate,” and insert the following: “by the state executive committee of any political party,”

Amendment 6 to Senate amendment 1

On page 38A, line 12, strike after “candidate,” and insert the following: “by any county executive committee of any political party,”

Amendment 7 to Senate amendment 1

On page 39, line 29, strike after “candidate,” and insert the following: “the state executive committee of any political party”

Amendment 8 to Senate Amendment 1

On page 48, strike lines 11—15

Amendment 9 to Senate amendment 1

On page 45, line 30 AND page 46 line 1, strike “All civil actions shall be handled by the attorney general.”

Amendment 10 to Senate amendment 1

On page 2, lines 9, 10, 11, 12 and 13, strike on page 2 line 9 after the word “form” strike balance of lines 9, 10, 11, 12 and 13

Amendment 11 to Senate amendment 1

On page 2, strike lines 20—28.

Amendment 12 to Senate amendment 1

Following Section 29, insert the following and renumber remaining sections:

Section 30. Section 104.37, Florida Statutes, is amended by adding a new subsection (5) and renumbering existing subsection (5) as subsection (6) to read:

104.37 Political advertisements literature, circulated prior to election; requirements.—

(5) All political advertisements or endorsements, including any publication which purports to rate, rank or characterize candidates for public office, sponsored by any group, club, association, or other organization except organizations affiliated with political parties regulated by Chapter 103, Florida Statutes, for purposes of endorsing the candidacy of one (1) or more candidates for public office, or for purposes of endorsing or opposing any referendum shall contain the following information:

(a) The name of the principal officer of the endorsing organization and his mailing address;

(b) The number of members of the organization during the preceding twelve (12) months and how many of these members, if any, have paid dues; and

(c) A statement as to whether or not any of the candidates being endorsed in such advertisement has made a contribution to the organization, or has otherwise participated in providing payment for such advertisements, excluding individual payment of membership dues.

No advertising media shall accept any political advertisement endorsing candidates for public office, or for the purpose of endorsing or opposing any referendum which does not meet the requirements of this subsection.

(6) Any person who willfully violates the provisions of this section shall be guilty of a misdemeanor of the first degree, punishable as provided in section 775.082 or section 775.083.

Section 31. Section 104.373, Florida Statutes, is created to read:

104.373 Endorsements by certain groups and organizations.—

(1) Any group, club, association, or other organization except organizations affiliated with political parties regulated by Chapter 103, Florida Statutes, which intends to endorse the candidacy of one (1) or more candidates for public office, or endorses or opposes any referendum by means of political advertisements shall, prior to publishing, issuing, broadcasting, or otherwise distributing such advertisement, file a statement as provided by this section with the officer or officers provided herein. Such statements shall be filed with the officer before whom each candidate that the organization intends to endorse qualified for office pursuant to law. Each statement shall contain the following information:

(a) The date the organization was chartered and the number of members during the most recent twelve (12) months and how many of these members, if any, have paid dues;

(b) A list of its current officers or directors and a statement as to their method of selection;

(c) A statement of the procedures used by such organization in determining which candidates to endorse;

(d) If political advertisements for endorsement purposes are to be paid for from funds other than the dues of the membership of the organization, a statement describing the sources of such funds; and

(e) The amount of funds contributed to the organization by candidates for public office, including contributions in the form of dues, and the name of, and office sought by, each such candidate.

(2) Any officer, director, or other person acting on behalf of an organization who willfully violates the provisions of subsection (1) of this section shall be guilty of a misdemeanor of the first degree, punishable as provided in section 775.082 or section 775.083, Florida Statutes.

Senate amendment 2

On page 2 in title, line 1, after the semi-colon (;) insert the following: repealing section 104.372, Florida Supplement, as amended by chapter 72-106, Laws of Florida, relating to rates changed by communications media;

Amendment to Senate amendment 2

In the title at end thereof add the following: amending section 104.37(5), Florida Statutes, and adding a new subsection to require that certain information be included in advertisements endorsing candidates or endorsing or opposing any referendum; creating section 104.373, Florida Statutes, to require organizations making endorsements by means of political advertisements to supply certain information as a prerequisite

to such advertisements and providing a penalty; creating section 104.374, Florida Statutes, to require candidates placing political advertisements to affirm the veracity of the contents and providing a penalty;

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motions by Senator de la Parte, the Senate concurred in House amendments 4, 3 and 2 to Senate Amendment 1 to CS for HB 466.

On motions by Senator de la Parte, the Senate concurred in House amendments 10 and 11 to Senate amendment 1. The vote was:

Yeas—20

Brantley	Glisson	Myers	Trask
de la Parte	Gordon	Pettigrew	Vogt
Firestone	Graham	Poston	Wilson
Gallen	Lane (23rd)	Sims	Winn
Gillespie	McClain	Stolzenburg	Zinkil

Nays—18

Mr. President	Johnson	Plante	Sykes
Barron	Johnston	Saunders	Ware
Childers	Lane (31st)	Sayler	Weber
Deeb	Lewis	Scarborough	
Henderson	Peterson	Smathers	

By unanimous consent Senators Johnston and Lewis changed their vote from nay to yea.

On motions by Senator de la Parte, the Senate concurred in House amendments 5, 6, 7, 8, 9 and 12 to Senate amendment 1 and in the House amendment to Senate amendment 2 to CS for HB 466. CS for HB 466 passed as further amended and the action of the Senate was certified to the House. The vote was:

Yeas—31

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

Nays—None

The Senate resumed—

SPECIAL ORDER

SB 1367—A bill to be entitled An act relating to state attorneys; amending §27.25(4), Florida Statutes, 1972 Supplement; providing a funding formula; amending §27.34 Florida Statutes, 1972 Supplement; providing that the counties shall provide state attorneys with office space, utilities, janitorial, and other services; prohibiting municipalities and counties from otherwise appropriating funds for the operation of state attorney offices; providing for salaries; providing an effective date.

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

Amendment 3—On page 2, lines 25-28, strike "The office" . . . end with "services."

The vote was:

Yeas—12

Deeb	Henderson	Peterson	Trask
Gallen	Johnson	Stolzenburg	Weber
Glisson	McClain	Sykes	Wilson

Nays—19

Mr. President	Graham	Myers	Scarborough
Childers	Gruber	Pettigrew	Smathers
Firestone	Johnston	Plante	Vogt
Gillespie	Lane (23rd)	Poston	Winn
Gordon	Lewis	Saunders	

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

Amendment 4—On page 2, line 15, after attorneys insert: Unless by vote of the County commissioners the county elects to provide supplemental funds for a period not to exceed one year from the effective date of this act.

On motion by Senator Vogt the following amendment was adopted:

Amendment 5—On page 1, line 13, after the semi-colon insert: amending §27.271(2), Florida Statutes, providing that state attorneys and assistant state attorneys shall not be paid for mileage or per diem for travel between home and courthouse designated as travel headquarters;

On motion by Senator Graham, by two-thirds vote SB 1367 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—27

Mr. President	Gruber	Peterson	Smathers
Barron	Henderson	Pettigrew	Stolzenburg
Brantley	Johnston	Plante	Trask
Childers	Lane (23rd)	Poston	Vogt
Firestone	Lewis	Saunders	Weber
Gillespie	McClain	Sayler	Winn
Graham	Myers	Scarborough	

Nays—4

Gallen	Glisson	Johnson	Wilson
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By unanimous consent Senators Sims and Zinkil were recorded as voting yea.

CS for HB 1762—A bill to be entitled An act relating to the Big Cypress Area, including the area proposed as the Federal Big Cypress National Fresh Water Reserve, Florida, and the land and water areas contiguous thereto; creating section 380.055 Florida Statutes, designating the Big Cypress Area as an area of critical state concern; providing that the Big Cypress Area is exempt from specified provisions of the Florida Environmental Land and Water Management Act of 1972; providing definitions; providing procedures; authorizing the acquisition of land and water areas within the area proposed as the Federal Big Cypress National Fresh Water Reserve, Florida, with forty million dollars in state funds; authorizing the donation and conveyance of title in areas so acquired together with unencumbered funds remaining from the forty million dollars set aside for acquisition to the federal government, contingent upon action by Congress; providing definitions; providing for the exercise of the power of eminent domain within the Big Cypress Area; providing an appropriation for the department of natural resources; providing for preservation of Indian rights; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Graham, by two-thirds vote CS for HB 1762 was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

Mr. President	Glisson	Myers	Sims
Barron	Graham	Peterson	Smathers
Childers	Gruber	Pettigrew	Stolzenburg
Deeb	Henderson	Plante	Sykes
de la Parte	Johnston	Poston	Trask
Firestone	Lane (31st)	Saunders	Vogt
Gallen	Lewis	Sayler	Wilson
Gillespie	McClain	Scarborough	Winn

Nays—2

Johnston Weber

By unanimous consent Senators Lane (23rd) and Zinkil were recorded as voting yea.

SB 1368—A bill to be entitled An act relating to public defenders; amending §27.51(1), Florida Statutes, as amended by §1, chapter 72-722, Laws of Florida; amending §27.53(4), Florida Statutes, 1972 Supplement; amending §27.54(2), Florida Statutes, as amended by §2, chapter 72-722, Laws of Florida, and subsection (3) of said section; providing a funding formula; providing that the counties shall provide public defenders with office space, utilities, janitorial, and other services; prohibiting municipalities and counties from otherwise appropriating funds for the operation of the public defenders' offices; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 3, line 29, strike "and" and insert after custodial services: library services, transportation services and communication services as may be necessary for the proper and efficient functioning of these offices.

On motion by Senator Graham, by two-thirds vote SB 1368 was read the third time by title, passed and certified to the House. The vote was:

Yeas—28

Mr. President	Gordon	McClain	Scarborough
Barron	Graham	Myers	Sims
Childers	Gruber	Peterson	Smathers
de la Parte	Johnston	Pettigrew	Stolzenburg
Firestone	Lane (31st)	Plante	Vogt
Gillespie	Lane (23rd)	Poston	Weber
Glisson	Lewis	Saylor	Winn

Nays—3

Gallen Johnson Wilson

By unanimous consent Senator Zinkil was recorded as voting yea.

SB 1103 was taken up, together with:

By the Committee on Ways and Means—

CS for SB 1103—A bill to be entitled An act relating to the judiciary; amending section 26.031, Florida Statutes, 1972 Supplement, as amended by section 1, chapter 72-402, Laws of Florida, providing for the number of circuit court judges; amending section 34.022, Florida Statutes, 1972 Supplement, as amended by section 1, chapter 72-406, Laws of Florida, providing for the number of county court judges; providing an effective date.

—which was read the first time by title and SB 1103 was laid on the table.

On motion by Senator Firestone, by two-thirds vote CS for SB 1103 was read the second time by title.

On motions by Senator Firestone, the following amendments were adopted:

Amendment 1—On page 2, line 24, strike "2" and insert: 3

Amendment 2—On page 3, line 22, strike "8" and insert: 9

Amendment 3—On page 4, line 1, strike "2" and insert: 3

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

Amendment 4—On page 5, line 22, strike "Section 3. This act shall take effect July 1, 1973." and insert: Section 3.

Section 34.024, Florida Statutes, 1972 Supplement, as amended by section 3, chapter 72-406, Laws of Florida, is amended to read:

34.024 Salaries of county court judges.—County court judges shall receive the following salaries, to be paid by the state:

(1) In counties having a population of 40,000 or less according to the last decennial census . . . ~~\$24,000~~ 26,000 per annum: except that any county court judge of such a county who, at the direction of the chief judge of the circuit, regularly performs the duties and exercises the jurisdiction of a circuit judge, on the average of more than twelve hours per week, shall receive a salary of \$30,000. The auditor general shall audit the time spent by any county court judge claiming such salary because of time spent performing the duties and exercising the jurisdiction of a circuit judge.

(2) In counties having a population of more than 40,000 according to the last decennial census . . . ~~\$28,000~~ 30,000 per annum.

Section 4. This act shall take effect July 1, 1973.

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

Amendment 5—On page 5, insert: (2) Each full time judge of industrial claims shall receive a salary of twenty eight thousand dollars (\$28,000.00) payable out of the fund established in 440.50

Senators Plante and Sims offered the following amendment which was moved by Senator Plante and failed:

Amendment 6—On page 4, line 13, strike "+2" and insert: 1

The vote was:

Yeas—12

Barron	Lane (23rd)	Plante	Stolzenburg
de la Parte	McClain	Saylor	Weber
Gordon	Peterson	Sims	Winn

Nays—20

Mr. President	Gallen	Lewis	Vogt
Brantley	Glisson	Myers	Ware
Childers	Graham	Poston	Williams
Deeb	Gruber	Smathers	Wilson
Firestone	Johnston	Trask	Zinkil

On motion by Senator de la Parte, the Senate reconsidered the vote by which Amendment 2 was adopted and the amendment failed.

The President Pro Tempore presiding.

Senator Barron moved that the Senate reconsider the vote by which Amendment 1 was adopted.

On motion by Senator Barron, further consideration of CS for SB 1103 was deferred.

By permission Senator Firestone withdrew his name as a co-introducer of SB 1103.

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.

—was read the second time by title. On motion by Senator Glisson, by two-thirds vote HB 51 was read the third time by title, passed and certified to the House. The vote was:

Yeas—24

Brantley	Glisson	Peterson	Trask
Childers	Gordon	Pettigrew	Ware
de la Parte	Gruber	Plante	Williams
Firestone	Henderson	Poston	Wilson
Gallen	Johnson	Sayler	Winn
Gillespie	Lewis	Scarborough	Zinkil

Nays—5

Lane (23rd)	Smathers	Stolzenburg	Weber
Sims			

By unanimous consent Senator Vogt was recorded as voting yea.

HB 822—A bill to be entitled An act relating to the practice of public accounting; setting out certain legislative findings of fact; amending Section 473.111, Florida Statutes; to require each individual who is a Florida practitioner of public accounting to reestablish his professional knowledge and competency from time to time; to provide for the suspension and restoration of certificates of such persons in certain instances; to provide for programs of professional training and for examinations of such persons; to provide rule making authority for the State Board of Accountancy and certain standards to be applied in making rules governing such practitioners, reestablishments, courses, examinations, suspensions, revocations and related matters; providing for fees; to provide for certain exceptions; providing an effective date.

—was taken up pending roll call, passed and certified to the House. The vote was:

Yeas—28

Brantley	Gordon	Lane (23rd)	Sayler
Childers	Graham	Lewis	Scarborough
de la Parte	Gruber	McClain	Sims
Firestone	Horne	Myers	Stolzenburg
Gallen	Johnson	Pettigrew	Trask
Gillespie	Johnston	Poston	Williams
Glisson	Lane (31st)	Saunders	Winn

Nays—5

Peterson	Smathers	Ware	Wilson
Plante			

By unanimous consent Senator Vogt was recorded as voting yea.

HB 770—A bill to be entitled An act relating to the Florida retirement system; adding subsection (7) to §121.051, Florida Statutes, to prohibit membership in the system of cooperative extension personnel engaged in extension work in agriculture and home economics in the state who are required to be covered by federal civil service; providing exceptions; providing an effective date.

—was read the second time by title. On motion by Senator Williams, by two-thirds vote HB 770 was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

Brantley	Henderson	Myers	Stolzenburg
Childers	Horne	Peterson	Trask
de la Parte	Johnson	Pettigrew	Ware
Firestone	Johnston	Plante	Weber
Gallen	Lane (31st)	Poston	Williams
Gillespie	Lane (23rd)	Scarborough	Wilson
Glisson	Lewis	Sims	Winn
Gordon	McClain	Smathers	Zinkil

Nays—None

By unanimous consent Senator Vogt was recorded as voting yea.

SB 799—A bill to be entitled An act relating to state contribution to group insurance programs covering state officers

and employees; authorizing state agencies to secure group insurance programs to be administered by the individual agency securing such program; providing for promulgation of agency administrative rules; requiring insurance be awarded on a competitive basis; designating head of agency as administrator of agency program; providing for salary deductions; providing for contribution to cost by the state; providing an appropriation; providing for coexistence at one agency of state and state agency group health insurance programs; providing an effective date; amending §112.075, Florida Statutes, 1972 Supplement

—was read the second time by title.

On motions by Senator Sayler the following amendments were adopted:

Amendment 1—On page 1, line 27, strike everything after the enacting clause and insert: Section 1. Section 112.075 (1)(b) and (3)(a), Florida Statutes, 1972 Supplement, is amended to read:

112.075 State officers and employees group insurance program.—

(1) TITLE AND PURPOSE.—

(b) The purpose of this section is to authorize a group health insurance benefit program for all state officers and full-time state employees holding salaried positions. For the purposes of this section, group health insurance is defined as group medical, disability and life insurance.

(3) DEPARTMENT OF ADMINISTRATION; POWER AND DUTIES.—

(a) The department of administration is hereby authorized to provide a group health insurance program for all state officers and employees as set forth in subsections (1) and (2) of this section, provided however, nothing herein shall preclude the university of Florida from entering into contracts for its own group health insurance.

Section 2. This act shall take effect upon becoming law.

Amendment 2—On page 1, lines 4-22, strike entire lines and insert: An act relating to state officers and employees group insurance program; amending section 112.075 (1)(b) and (3) (a), Florida Statutes, 1972 Supplement, to provide a definition of group health insurance and to provide that the university of Florida shall not be precluded from entering into its own contracts to provide group health insurance; providing an effective date.

On motion by Senator Saunders, by two-thirds vote SB 799 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—31

Childers	Horne	Plante	Trask
de la Parte	Johnson	Poston	Vogt
Firestone	Johnston	Saunders	Ware
Gallen	Lane (23rd)	Sayler	Williams
Gillespie	McClain	Scarborough	Wilson
Glisson	Myers	Sims	Winn
Graham	Peterson	Smathers	Zinkil
Gruber	Pettigrew	Stolzenburg	

Nays—4

Brantley	Gordon	Henderson	Lane (31st)
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By unanimous consent Senator Lewis was recorded as voting yea.

SB 854—A bill to be entitled An act relating to state-owned tangible personal property; amending chapter 273, Florida Statutes, to provide the authority, duties, and responsibilities of the division of surplus property of the department of general services; providing for the state surplus property operating trust fund; repealing subsections (6), (7) and (8); providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were adopted on motions by Senator Plante:

Amendment 1—On page 1, line 20, insert following the word "certified" the words "and transferred"

Amendment 2—On page 3, lines 7 and 8, strike the words "subsections" and insert the word "sections"

Amendment 3—On page 1, line 11 in the title, strike "operating trust fund; repealing subsections (6), (7) and (8);" and insert: working capital trust fund; repealing §§ 273.06, 273.07, 273.08 F.S., relating to transfer, disposal of proceeds of surplus property;

On motion by Senator Plante, by two-thirds vote SB 854 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—31

Brantley	Henderson	Pettigrew	Trask
Childers	Johnson	Plante	Ware
de la Parte	Johnston	Poston	Weber
Firestone	Lane (31st)	Saylor	Williams
Gallen	Lewis	Scarborough	Wilson
Gillespie	McClain	Sims	Winn
Glisson	Myers	Smathers	Zinkil
Gordon	Peterson	Stolzenburg	

Nays—None

By unanimous consent Senator Vogt was recorded as voting yea.

SB 1006—A bill to be entitled An act relating to the Florida Public Service Commission authorizing it to assume jurisdiction over certain practices of companies selling energy, to prevent discrimination and unreasonable profits as a result of energy crises, and 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 Childers:

Amendment 1—On page 1, line 25, strike "shall" and insert: may

On motion by Senator Childers the following amendment was adopted:

Amendment 2—On page 1, line 21, strike all of lines 21 and 22 and insert: (c) the energy product or an alternative energy product is not readily available to the consumer from a competitive supplier; and

Pending further consideration of SB 1006 as amended, on motion by Senators Childers, by two-thirds vote—

HB 1534—A bill to be entitled An act relating to the Florida Public Service Commission authorizing it to assume jurisdiction over certain practices of companies selling energy, to prevent discrimination and unreasonable profits as a result of energy crises, and providing an effective date.

—a companion measure to SB 1006 was substituted therefor and read the second time by title by two-thirds vote. On motion by Senator Childers by two-thirds vote HB 1534 was read the third time by title, passed and certified to the House. The vote was:

Yeas—28

Brantley	Gruber	Myers	Stolzenburg
Childers	Horne	Peterson	Trask
de la Parte	Johnson	Pettigrew	Ware
Firestone	Johnston	Poston	Weber
Gallen	Lane (31st)	Saylor	Wilson
Gillespie	Lane (23rd)	Scarborough	Winn
Gordon	McClain	Sims	Zinkil

Nays—4

Henderson	Lewis	Plante	Williams
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By unanimous consent Senators Smathers and Vogt were recorded as voting yea.

HB 2008—A bill to be entitled An act relating to county court clerk; 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.

—was read the second time by title. On motion by Senator McClain, by two-thirds vote HB 2008 was read the third time by title, passed and certified to the House. The vote was:

Yeas—27

Brantley	Gordon	McClain	Stolzenburg
Childers	Gruber	Myers	Trask
de la Parte	Henderson	Peterson	Ware
Firestone	Johnson	Pettigrew	Wilson
Gallen	Johnston	Plante	Winn
Gillespie	Lane (31st)	Poston	Zinkil
Glisson	Lane (23rd)	Saylor	

Nays—None

By unanimous consent Senators Lewis, Vogt, Smathers and Sims were recorded as voting yea.

CS for HB 378—A bill to be entitled An act relating to county government, amending section 125.39 of Chapter 125, Florida Statutes, relating to nonapplicability to county lands acquired with reversionary clauses; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote CS for HB 378 was read the third time by title, passed and certified to the House. The vote was:

Yeas—30

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

Nays—None

By unanimous consent Senator Vogt was recorded as voting yea.

On motion by Senator Lane (31st), CS for HB 432 was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

SB 922 was taken up and on motion by Senator Lane (31st)—

CS for HB 432—A bill to be entitled An act relating to Shands Teaching Hospital and its related clinics; providing legislative intent; providing that the hospital and its related clinics shall not be subject to the control of any state agency; creating the hospital management board directly under the state board of education; providing the duties, powers and responsibilities of the board; creating a capital improvements and construction trust fund and providing for deposit of moneys therein; requiring appropriations; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Lane (31st), by two thirds vote CS for HB 432 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Brantley	Firestone	Glisson	Henderson
Childers	Gallen	Gordon	Horne
de la Parte	Gillespie	Gruber	Johnson

Johnston	Myers	Scarborough	Williams
Lane (31st)	Peterson	Sims	Wilson
Lane (23rd)	Plante	Smathers	Winn
Lewis	Poston	Stolzenburg	Zinkil
McClain	Sayler	Ware	

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 31, 1973

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

By Senators Sayler and Deeb—

SB 620—A bill to be entitled An act relating to Pinellas County; creating a countywide planning council; setting forth the purpose of the council and providing legislative intent; providing a formula for the appointment of its members; providing for terms of office and filling vacancies; providing for the selection of officers and an executive committee and for compulsory monthly meetings; providing for a quorum; providing attendance requirements; providing for the powers and duties of the council; providing for a countywide planning department in Pinellas County; providing a formula for appropriations; providing for other contributions; requiring a budget; requiring annual audits and annual reports; providing for public hearings and a voting procedure for adoption of plans by the council; providing a procedure for the adoption of plans, codes or regulations; providing for the binding effect of plans, codes or regulations and an enforcement procedure; providing for contractual services; providing for severability; repealing Chapter 71-859, Special Acts, 1971, which created the Pinellas Planning Council; providing a procedure for the implementation of this act in the event a charter form of government is adopted for Pinellas County; providing an effective date.

Amendment 1—On page 3, line 10, strike lines 10 through 20

Amendment 2—On page 6, line 1, strike paragraph (4) in its entirety and insert the following: (4) All members shall be elected officials except the member representing the County health department.

Amendment 3—On page 9, line 15, strike subsection (d) in its entirety and re-number accordingly.

Amendment 4—On page 9, line 22, strike "and public libraries;" and insert the following: upon recommendation of the school board;

Amendment 5—On pages 9 and 10, line 19, strike all of paragraph (k) after the word "facilities" and insert a period after the word "facilities."

Amendment 6—On page 10, line 9, strike subsection (8) in its entirety and re-number accordingly.

Amendment 7—On page 10, line 20, strike subsection (9) in its entirety and insert the following: (9) To adopt plans, codes and regulations for the provision of county-wide water, sewerage and solid waste disposal systems. Said plans, codes and regulations shall become effective county-wide only upon ratification by the Board of County Commissioners and by three-fourths (¾) of the governing bodies of municipalities in the county. Upon such ratification, the same shall supersede all similar existing plans, codes or regulations then in effect anywhere in the county. Each such governmental body shall ratify or reject any such proposed plan, code or regulation within ninety (90) days after receipt of same.

Amendment 8—On page 12, line 9, strike line 9 through line 10 on page 13 and insert the following: (1) The board of county commissioners shall provide necessary funding for the council. The council is authorized to accept funds from the various municipalities in the county and from private persons and groups.

Amendment 9—On page 14, line 11, strike Section 9 in its entirety and re-number accordingly.

Amendment 10—On page 18, line 17, strike Section 15 and re-number accordingly.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motions by Senator Sayler, the Senate refused to concur in House amendments 1 through 10 to SB 620, and the House was requested to recede therefrom. The action of the Senate was certified to the House.

Nays—None

By unanimous consent Senator Vogt was recorded as voting yea.

On motion by Senator Zinkil, HB 1149 was withdrawn from the Committee on Governmental Operations by two-thirds vote and placed on the calendar.

SB 824 was taken up and on motion by Senator Zinkil—

HB 1149—A bill to be entitled An act relating to counties; creating §138.12, Florida Statutes, to authorize the board of county commissioners of any county to expand the county seat; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Zinkil, by two-thirds vote HB 1149 was read the third time by title, passed and certified to the House. The vote was:

Yeas—27

Brantley	Gordon	McClain	Sims
Childers	Gruber	Myers	Smathers
de la Parte	Henderson	Peterson	Ware
Firestone	Johnson	Plante	Weber
Gallen	Johnston	Poston	Winn
Gillespie	Lane (23rd)	Sayler	Zinkil
Glisson	Lewis	Scarborough	

Nays—1

Lane (31st)

By unanimous consent, Senator Vogt was recorded as voting yea, Senator Stolzenburg as voting nay.

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 boundaries; 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.

—was read the second time by title.

On motion by Senator Scarborough the following amendment was adopted:

Amendment 1—On page 15, line 22, after the word "boundaries" strike the remainder of subsection (4) and insert a period.

Senator Scarborough moved that the Senate reconsider the vote by which Amendment 1 was adopted and the Senate reconsidered.

On motion by Senator Williams, CS for CS for HB 1176 with pending amendment was deferred.

The President presiding.

The Senate resumed—

SPECIAL ORDER

The Senate resumed consideration of—

CS for SB 1103—A bill to be entitled An act relating to the judiciary; amending section 26.031, Florida Statutes, 1972 Supplement, as amended by section 1, chapter 72-402, Laws of Florida, providing for the number of circuit court judges; amending section 34.022, Florida Statutes, 1972 Supplement, as amended by section 1, chapter 72-406, Laws of Florida, providing for the number of county court judges; providing an effective date.

The motion by Senator Barron that the Senate reconsider the vote by which Amendment 1 was adopted was taken up and the Senate refused to reconsider.

On motion by Senator Graham, by two-thirds vote CS for SB 1103 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—27

Mr. President	Gordon	Lewis	Vogt
Barron	Graham	McClain	Ware
Brantley	Gruber	Pettigrew	Weber
Childers	Henderson	Poston	Wilson
Deeb	Johnston	Saunders	Winn
Firestone	Lane (31st)	Sayler	Zinkil
Gillespie	Lane (23rd)	Trask	

Nays—6

de la Parte	Plante	Sims	Stolzenburg
Peterson	Scarborough		

Consideration of CS for HB's 1617 & 1711 was deferred.

CS for HB 1764—A bill to be entitled An act relating to outdoor recreational sites in the Everglades; providing that the game and fresh water fish commission will develop and manage recreational sites in the water conservation areas of the Florida Everglades; providing definitions; creating the Everglades recreational planning board; providing for the organization and duties of the board; providing development on indian reservation areas shall be only with the reservation's approval; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote CS for HB 1764 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Mr. President	Gordon	Pettigrew	Vogt
Brantley	Graham	Plante	Ware
Childers	Gruber	Poston	Weber
Deeb	Henderson	Saunders	Williams
de la Parte	Lane (31st)	Sayler	Wilson
Firestone	McClain	Sims	Winn
Gillespie	Myers	Stolzenburg	Zinkil
Glisson	Peterson	Trask	

Nays—1

Lewis

SB 1311 was laid on the table.

HB 589—A bill to be entitled An act relating to budgeting and appropriations; amending §216.262(1)(a), Florida Statutes, 1971, relating to the number of positions authorized and provisions for increases in the number; amending §216.292, Florida Statutes, 1971, to delete authorization for transfer of appropriations by heads of departments; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator de la Parte:

Amendment 1—On pages 3 and 4, strike all of Section 2 and renumber section 3 to Section 2

On motion by Senator de la Parte, by two thirds vote HB 589 as amended was read the third time by title and passed. The vote was:

Yeas—33

Mr. President	Graham	Pettigrew	Ware
Brantley	Gruber	Plante	Weber
Childers	Henderson	Poston	Williams
Deeb	Lane (31st)	Saunders	Winn
de la Parte	Lane (23rd)	Sayler	Wilson
Firestone	Lewis	Sims	Zinkil
Gillespie	McClain	Stolzenburg	
Glisson	Myers	Trask	
Gordon	Peterson	Vogt	

Nays—None

The bill with amendment was delivered to the engrossing clerk.

HB 757—A bill to be entitled An act relating to security of communications; amending §934.08(3), Florida Statutes, as amended by chapter 72-294, Laws of Florida; providing that information received may be disclosed to the judicial qualifications commission; providing an effective date.

—was read the second time by title. On motion by Senator McClain, by two-thirds vote HB 757 was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

Mr. President	Gruber	Peterson	Stolzenburg
Brantley	Henderson	Pettigrew	Trask
Childers	Johnston	Plante	Vogt
Deeb	Lane (31st)	Poston	Ware
de la Parte	Lane (23rd)	Saunders	Weber
Firestone	Lewis	Sayler	Williams
Gillespie	McClain	Scarborough	Winn
Graham	Myers	Sims	Zinkil

Nays—3

Glisson	Gordon	Wilson
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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.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 2106 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Graham	Plante	Ware
Brantley	Gruber	Poston	Weber
Childers	Henderson	Saunders	Williams
Deeb	Lane (31st)	Sayler	Wilson
de la Parte	Lane (23rd)	Scarborough	Winn
Firestone	Lewis	Sims	Zinkil
Gillespie	McClain	Stolzenburg	
Glisson	Myers	Trask	
Gordon	Pettigrew	Vogt	

Nays—1

Peterson

On motion by Senator Brantley, CS for HB 1827 was withdrawn from the Committee on Rules and Calendar by two-thirds vote and placed on the calendar.

SB 1269 was taken up, together with CS for SB 1269 by the Committee on Commerce which was read the first time by title and SB 1269 was laid on the table.

On motion by Senator Brantley, by two-thirds vote CS for SB 1269 was read the second time by title.

Pending further consideration of CS for SB 1269, on motion by Senator Brantley—

CS for HB 1827—A bill to be entitled An act relating to insurance; adding new paragraph (h) and (i) to section 625.121 (4), Florida Statutes, 1971, amending the introductory paragraph of said subsection (4); amending sections 625.121(5)(b) and 627.476(8)(a) and (b), Florida Statutes, 1971; increasing the interest rate used for calculating minimum reserves for life insurance and annuity contracts, and substituting modern mortality tables for valuing such reserves for annuity contracts; providing for nonrecurring expense factors; increasing the interest rate used for calculating minimum nonforfeiture benefits for life insurance policies; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Brantley, by two-thirds vote CS for HB 1827 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Mr. President	Gruber	Plante	Vogt
Brantley	Henderson	Poston	Ware
Childers	Johnston	Saunders	Weber
Deeb	Lane (31st)	Sayler	Williams
Firestone	Lewis	Scarborough	Wilson
Gillespie	McClain	Sims	Winn
Glisson	Peterson	Stolzenburg	Zinkil
Graham	Pettigrew	Trask	

Nays—None

CS for SB 1269 was laid on the table.

HB 1466—A bill to be entitled An act relating to the sale of liquefied petroleum gas; amending section 527.06, Florida Statutes, 1971, providing a procedure for the promulgation and adoption of rules and regulations; amending section 527.12, Florida Statutes, 1971, providing a procedure for the imposition of administrative fines and for holding hearings; amending section 527.13(1), Florida Statutes, 1971, relating to administrative fine; amending section 527.14(1), Florida Statutes, 1971, relating to the procedure for suspension and revocation of license; amending section 527.17, Florida Statutes, 1971, providing a procedure for appeal; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 1466 was read the third time by title, passed and certified to the House. The vote was:

Yeas—29

Mr. President	Henderson	Pettigrew	Ware
Childers	Johnston	Plante	Weber
Deeb	Lane (31st)	Poston	Wilson
Firestone	Lane (23rd)	Saunders	Winn
Gillespie	Lewis	Sayler	Zinkil
Glisson	McClain	Sims	
Graham	Myers	Stolzenburg	
Gruber	Peterson	Trask	

Nays—None

HB 1348—A bill to be entitled An act relating to guardianship; providing legislative intent; providing for limited guardianship and the appointment of limited guardians; providing for standby guardians; permitting corporate guardianship; providing for application of the Florida guardianship law to the provisions of this act; providing an effective date.

—was read the second time by title. On motion by Senator Graham, by two-thirds vote HB 1348 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Mr. President	Gruber	Pettigrew	Vogt
Brantley	Henderson	Plante	Ware
Childers	Johnston	Poston	Weber
Firestone	Lane (31st)	Saunders	Williams
Gillespie	Lewis	Sayler	Wilson
Glisson	McClain	Scarborough	Winn
Gordon	Myers	Sims	Zinkil
Graham	Peterson	Trask	

Nays—None

HB 1891—A bill to be entitled An act relating to insurance; repealing subsection (3) of section 627.677, Florida Statutes, 1971; removing the exclusion of life or disability insurance sold in connection with real estate loans of more than thirty-six (36) months duration from the definition of credit life and disability insurance; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 1891 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Mr. President	Gruber	Peterson	Trask
Brantley	Henderson	Pettigrew	Vogt
Childers	Johnston	Plante	Ware
Firestone	Lane (31st)	Poston	Weber
Gillespie	Lane (23rd)	Saunders	Williams
Glisson	Lewis	Sayler	Wilson
Gordon	McClain	Scarborough	Winn
Graham	Myers	Sims	

Nays—1

Zinkil

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.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote HB 1645 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

Mr. President	Gruber	Pettigrew	Vogt
Brantley	Henderson	Plante	Ware
Childers	Johnston	Poston	Weber
Deeb	Lane (31st)	Saunders	Williams
Firestone	Lane (23rd)	Sayler	Wilson
Gillespie	Lewis	Scarborough	Winn
Glisson	McClain	Sims	Zinkil
Gordon	Myers	Stolzenburg	
Graham	Peterson	Trask	

Nays—None

CS for HB 1017—A bill to be entitled An act relating to Chapter 560, Florida Statutes, and the "Sale of Money Orders Act"; amending section 560.04(1), Florida Statutes, to require the filing of financial statements; amending subsections (1) and (2) of section 560.06, Florida Statutes, to provide that investigation fees shall be paid by the applicants; amending section 560.09, Florida Statutes, to provide for renewal of certificates of agents or subagents; amending section 560.10, Florida Statutes, to provide for the registration of agents and subagents, payment of a fee of five dollars, and requiring a list of all agents issuing money orders in the State of Florida; amending section 560.13, Florida Statutes, by numbering present introductory paragraph as subsection (1) and adding new subsection (2) to provide that, if reasonable grounds exist, the department may examine the books and records of a licensee and charge the reasonable cost of such examination to the licensee; adding new section 560.151, Florida Statutes, to pro-

vide that all fees collected under this act shall be paid into the department's regulatory trust fund to be used for the purpose of administering this act; providing an effective date.

—was read the second time by title. On motion by Senator Plante, by two-thirds vote CS for HB 1017 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

Mr. President	Gruber	Pettigrew	Vogt
Brantley	Henderson	Plante	Ware
Childers	Johnston	Poston	Weber
Deeb	Lane (31st)	Saunders	Williams
Firestone	Lane (23rd)	Saylor	Wilson
Gillespie	Lewis	Scarborough	Winn
Glisson	McClain	Sims	Zinkil
Gordon	Myers	Stolzenburg	
Graham	Peterson	Trask	

Nays—None

SB 867 was taken up and on motion by Senator Childers—

HB 2105—A bill to be entitled An act relating to the department of natural resources; amending §287.20, Florida Statutes, to provide that certain vehicles used by the department of natural resources for law enforcement purposes be exempt from the state motor pool laws; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Childers, by two-thirds vote HB 2105 was read the third time by title, passed and certified to the House. The vote was:

Yeas—29

Brantley	Gruber	Peterson	Vogt
Childers	Henderson	Pettigrew	Ware
Deeb	Johnston	Poston	Williams
Firestone	Lane (31st)	Saunders	Winn
Gillespie	Lane (23rd)	Saylor	Zinkil
Glisson	Lewis	Scarborough	
Gordon	McClain	Stolzenburg	
Graham	Myers	Trask	

Nays—3

Plante	Sims	Wilson
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SB 867 was laid on the table.

On motion by Senator Williams 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 passed as amended—

By Representative Turlington—

HB 1383—A bill to be entitled An act relating to motor vehicle licenses, amends subsections 320.01(10), (11), (12), & (13), F.S., adds subsections (14) and (15) thereto and renumbers existing subsections (14) through (22) as (16) through (24); amends subsections 320.02(1), 320.07(1) and 320.08(3); amends subsection 320.08(4) and renumbers as paragraph 320.08(3) (d); renumbers existing paragraph 320.08(3) (d) as (3) (e); adds subsections 320.08(4) & (5) and renumbers existing (5) & (6) as (6) & (7); renumbers subsection 320.08(7) as paragraph (8) (a); amends subsection 320.08(8) and renumbers paragraphs 320.08(a) and (b) as (b) and (c); amends subsection 320.08(9), Florida Statutes; defining "gross weight," "truck-tractors," "GVW"; creating "GVW" classification; revising rates for truck-tractors and semi-trailers to place truck-tractor fees on gross weight of vehicles; providing a civil penalty; providing certain exceptions; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 1383, contained in the above message, was read the first time by title and placed on the calendar.

SB 1236 was taken up and on motion by Senator Williams HB 1383, a companion measure was substituted therefor. On motions by Senator Williams, by two-thirds vote HB 1383 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

Mr. President	Gruber	Pettigrew	Trask
Brantley	Henderson	Plante	Vogt
Deeb	Lane (31st)	Poston	Ware
Firestone	Lane (23rd)	Saylor	Weber
Gillespie	Lewis	Scarborough	Williams
Glisson	McClain	Sims	Wilson
Gordon	Myers	Smathers	Winn
Graham	Peterson	Stolzenburg	Zinkil

Nays—2

Childers	Saunders
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SB 1236 was laid on the table.

On motion by Senator Smathers, CS for HB 1538 was withdrawn from the Committee on Judiciary by two-thirds vote and placed on the calendar.

The Senate resumed—

SPECIAL ORDER

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.

—was read the second time by title. On motion by Senator Firestone, by two-thirds vote CS for HB 987 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Mr. President	Gruber	Plante	Vogt
Brantley	Henderson	Poston	Ware
Childers	Lane (31st)	Saunders	Weber
Deeb	Lane (23rd)	Saylor	Williams
Firestone	Lewis	Scarborough	Wilson
Gillespie	McClain	Sims	Winn
Glisson	Peterson	Stolzenburg	Zinkil
Graham	Pettigrew	Trask	

Nays—None

SB 834—A bill to be entitled An act relating to the restoration of corporations and other entities dissolved by proclamation; creating §608.34(2) and amending §§608.34(1) and (2), all Florida Statutes, as amended by chapter 72-218, Laws of Florida; transferring to the department of state the possession of and the administrative responsibility for corporations' returns, made in conjunction with the payment of their capital stock and corporate privilege taxes and relating to their dissolution or cancellation status, formerly required to be filed with and administered by the department of revenue pursuant to section 608.3205, Florida Statutes (1971), and appropriating thirty-two thousand five hundred twenty-five dollars (\$32,525.) to the department of state for microfilming such returns in order to administer its duties herein and its responsibility as to corporate restoration under section 608.37, Florida Statutes, as amended by chapters 71-114, 71-979, and 72-218, Laws of Florida; basing, in part, the restoration of corporations or entities dissolved or cancelled for failure to pay the annual report filing fee upon the amount equal to the fees, rather than taxes, which would have been due and payable absent

dissolution or cancellation; providing for the restoration of corporations dissolved or cancelled for failure to pay either the capital stock or corporate privilege taxes; providing for conflict; providing for severability; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means offered the following amendments which were adopted on motions by Senator Trask:

Amendment 1—On page 1, lines 25 and 26, strike “as amended by chapters 71-114, 71-979, and 72-218, Laws of Florida”

Amendment 2—On page 1, lines 8 and 9, strike “chapter 72-218, Laws of Florida” and insert: section 608.34

Amendment 3—On page 5, lines 12 and 13 strike “Chapter 71-359, Laws of Florida” and insert: section 608.33 and 608.3305 Florida Statutes (1971)

Amendment 4—On page 4, line 12 strike “Chapter 71-359, Laws of Florida” and insert: section 608.33 and 608.3305 Florida Statutes (1971)

Amendment 5—On page 2, line 14 strike “, as amended by chapter 72-214, Laws of Florida”

On motion by Senator Trask, by two-thirds vote SB 834 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—33

Mr. President	Gruber	Pettigrew	Ware
Brantley	Henderson	Plante	Weber
Childers	Johnston	Poston	Williams
Deeb	Lane (31st)	Sayler	Wilson
Firestone	Lane (23rd)	Scarborough	Winn
Gillespie	Lewis	Sims	Zinkil
Glisson	McClain	Stolzenburg	
Gordon	Myers	Trask	
Graham	Peterson	Vogt	

Nays—None

HB 475—A bill to be entitled An act relating to jurors; amending §40.24, Florida Statutes, 1972 Supplement, to provide that any juror who is excused from serving on any jury at his own request shall not be entitled to any compensation; providing an effective date.

—was read the second time by title. On motion by Senator Gillespie, by two-thirds vote HB 475 was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

Mr. President	Graham	Myers	Trask
Brantley	Gruber	Peterson	Vogt
Childers	Henderson	Pettigrew	Ware
Deeb	Johnston	Plante	Weber
Firestone	Lane (31st)	Poston	Williams
Gillespie	Lane (23rd)	Sayler	Wilson
Glisson	Lewis	Sims	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

HB 862—A bill to be entitled An act relating to county government; adding paragraph (x) to §125.01(1), Florida Statutes, 1971, relating to powers and duties of governing boards, to provide for the employment of an independent auditing firm; providing an effective date.

—was read the second time by title. On motion by Senator Gillespie, by two-thirds vote HB 862 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Firestone	Graham	Lane (23rd)
Brantley	Gillespie	Gruber	Lewis
Childers	Glisson	Henderson	McClain
Deeb	Gordon	Lane (31st)	Myers

Peterson	Sayler	Vogt	Winn
Pettigrew	Scarborough	Ware	Zinkil
Plante	Sims	Weber	
Poston	Stolzenburg	Williams	
Saunders	Trask	Wilson	

Nays—None

HB 1555—A bill to be entitled An act relating to Naturopathy; amending §462.08, Florida Statutes, 1971, by increasing the annual registration fee to twenty dollars and §462.18(3), Florida Statutes, 1971, by increasing annual educational program fee to one hundred dollars; providing an effective date.

—was read the second time by title. On motion by Senator Lane (31st), by two thirds vote HB 1555 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

Mr. President	Gruber	Pettigrew	Vogt
Brantley	Henderson	Plante	Ware
Childers	Johnston	Poston	Weber
Deeb	Lane (31st)	Saunders	Williams
Firestone	Lane (23rd)	Sayler	Wilson
Gillespie	Lewis	Scarborough	Winn
Glisson	McClain	Sims	Zinkil
Gordon	Myers	Stolzenburg	
Graham	Peterson	Trask	

Nays—None

HB 609—A bill to be entitled An act relating to insurance; repealing section 627.557, Florida Statutes, 1971, which limits the amount of coverage per person under a group life insurance policy issued to any employer or labor union; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 609 was read the third time by title, passed and certified to the House. The vote was:

Yeas—26

Mr. President	Gordon	Pettigrew	Weber
Barron	Graham	Plante	Williams
Brantley	Gruber	Poston	Wilson
de la Parte	Henderson	Scarborough	Winn
Firestone	Lane (23rd)	Sims	Zinkil
Gillespie	Lewis	Stolzenburg	
Glisson	Myers	Vogt	

Nays—7

Childers	Lane (31st)	Peterson	Trask
Johnston	McClain	Sayler	

CS for HB's 212, 655 & 678—A bill to be entitled An act relating to public buildings; amending section 255.21(1) and (2)(b), Florida Statutes, 1972 Supplement; providing that certain buildings being remodeled shall comply in certain particulars with standards and specifications established by the department of general services relating to the access and use of certain buildings by the physically disabled; providing conditions under which regulations for the design, construction or alteration of certain buildings to aid the physically disabled may be waived; providing an effective date.

—was read the second time by title. On motion by Senator Vogt, by two-thirds vote CS for HB's 212, 655 and 678 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Gruber	Pettigrew	Vogt
Brantley	Henderson	Plante	Ware
Childers	Johnston	Poston	Weber
Deeb	Lane (31st)	Saunders	Wilson
Firestone	Lane (23rd)	Sayler	Winn
Gillespie	Lewis	Scarborough	Zinkil
Glisson	McClain	Sims	
Gordon	Myers	Stolzenburg	
Graham	Peterson	Trask	

Nays—None

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 non-public colleges; providing an effective date.

—was read the second time by title. On motion by Senator Graham, by two-thirds vote HB 1741 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Gruber	Pettigrew	Vogt
Brantley	Henderson	Plante	Ware
Childers	Johnston	Poston	Weber
Deeb	Lane (31st)	Saunders	Williams
Firestone	Lane (23rd)	Sayler	Winn
Gillespie	Lewis	Scarborough	Zinkil
Glisson	McClain	Sims	
Gordon	Myers	Stolzenburg	
Graham	Peterson	Trask	

Nays—None

SB 1042 was laid on the table.

HB 976—A bill to be entitled An act relating to trading stamp companies amending section 559.04(2)(e), F.S., to provide that, in the event a claim is filed with the department against the bond of an issuing company, the company shall have the burden of proof to show that the claimant is not the rightful holder of trading stamps in such proceedings; and providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 976 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

Mr. President	Gruber	Pettigrew	Vogt
Brantley	Henderson	Plante	Ware
Childers	Johnston	Poston	Weber
Deeb	Lane (31st)	Saunders	Williams
Firestone	Lane (23rd)	Sayler	Winn
Gillespie	Lewis	Scarborough	Zinkil
Glisson	McClain	Sims	
Gordon	Myers	Stolzenburg	
Graham	Peterson	Trask	

Nays—None

HB 2023—A bill to be entitled An act to amend Sections 687.02 and 687.03, Florida Statutes, defining usurious contracts and making it unlawful to impose, charge or take interest in excess of the rate therein prescribed, by modifying the interest rate which may lawfully be charged for obligations in excess of five hundred thousand dollars; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 2023 was read the third time by title, passed and certified to the House. The vote was:

Yeas—27

Mr. President	Gordon	Myers	Trask
Brantley	Graham	Peterson	Vogt
Childers	Gruber	Pettigrew	Weber
Deeb	Henderson	Plante	Wilson
Firestone	Lane (31st)	Poston	Winn
Gillespie	Lane (23rd)	Scarborough	Zinkil
Glisson	McClain	Sims	

Nays—7

Johnston	Saunders	Stolzenburg	Williams
Lewis	Sayler	Ware	

SB 1143 was taken up, together with:

By the Committee on Health and Rehabilitative Services—

CS for SB 1143—A bill to be entitled An act relating to the creation and establishment of health facilities authorities; providing definitions; providing for appointment of members; providing purposes and powers of authorities; providing for the financing and construction of health facilities for hospital institutions; providing for the issuance of bonds and remedies of bondholders; providing for the conveyance of such health facilities to such hospital institutions; providing an effective date.

—which was read the first time by title and SB 1143 was laid on the table.

On motion by Senator Ware, by two-thirds vote CS for SB 1143 was read the second time by title.

Pending further consideration of CS for SB 1143, on motion by Senator Ware the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 31, 1973

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

By the Committee on Health & Rehabilitative Services and Representative McPherson—

CS for HB 1558—A bill to be entitled An act relating to the creation and establishment of health facilities authorities; providing definitions; providing for appointment of members; providing purposes and powers of authorities; providing for the financing and construction of health facilities for hospital institutions; providing for the issuance of bonds and remedies of bondholders; providing for the conveyance of such health facilities to such hospital institutions, providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB 1558, contained in the above message, was read the first time by title and placed on the calendar.

On motion by Senator Ware CS for HB 1558 a companion measure for CS for SB 1143 was substituted therefor. On motions by Senator Ware by two-thirds vote CS for HB 1558 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Graham	Peterson	Vogt
Brantley	Gruber	Pettigrew	Ware
Childers	Henderson	Plante	Williams
Deeb	Johnston	Poston	Wilson
de la Parte	Lane (31st)	Sayler	Winn
Firestone	Lane (23rd)	Scarborough	Zinkil
Gillespie	Lewis	Sims	
Glisson	McClain	Stolzenburg	
Gordon	Myers	Trask	

Nays—None

CS for SB 1143 was laid on the table.

The Senate resumed Special Order.

HB 1420—A bill to be entitled An act relating to savings and loan associations; adding §665.215, Florida Statutes, granting authority to the department of banking and finance to authorize state chartered associations to exercise the same powers as federally chartered associations; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote HB 1420 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Graham	Peterson	Trask
Brantley	Gruber	Pettigrew	Ware
Childers	Henderson	Plante	Weber
Deeb	Johnston	Poston	Wilson
de la Parte	Lane (31st)	Saunders	Winn
Firestone	Lane (23rd)	Sayler	Zinkil
Gillespie	Lewis	Scarborough	
Glisson	McClain	Sims	
Gordon	Myers	Stolzenburg	

Nays—1

Williams

By unanimous consent Senator Vogt was recorded as voting yea.

SB 946 was laid on the table.

Consideration of SB 939 was deferred.

HB 1896—A bill to be entitled An act relating to milk fat testers; amending chapter 502, Florida Statutes, by adding section 502.032; making it unlawful to test milk or milk products for milk fat without permit; requiring application for permit and keeping of records; providing for suspension or revocation; providing effective date.

—was read the second time by title. On motion by Senator Lane (23rd), by two-thirds vote HB 1896 was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

Mr. President	Graham	Peterson	Stolzenburg
Brantley	Gruber	Pettigrew	Trask
Childers	Henderson	Plante	Ware
Deeb	Johnston	Poston	Weber
de la Parte	Lane (23rd)	Saunders	Williams
Gillespie	Lewis	Sayler	Wilson
Glisson	McClain	Scarborough	Winn
Gordon	Myers	Sims	Zinkil

Nays—None

By unanimous consent Senator Vogt was recorded as voting yea.

HB 1181—A bill to be entitled An act relating to transportation; amending sections 163.565 through 163.572, Florida Statutes, the regional transportation authority law; providing for the organization of regional transportation authorities; providing purposes and powers of the authorities for public transportation systems in and throughout Florida; providing exemptions to the authority from regulation and taxation; providing special district ad valorem taxing; providing for issuance of bonds, pledging of assets and revenue; defining the transportation area and providing for operation and expansion; providing a severability clause; providing an effective date.

—was read the second time by title. On motion by Senator Poston, by two-thirds vote HB 1181 was read the third time by title, passed and certified to the House. The vote was:

Yeas—25

Mr. President	Graham	Plante	Ware
Brantley	Gruber	Poston	Weber
de la Parte	Johnston	Sayler	Williams
Firestone	Lane (23rd)	Scarborough	Winn
Gillespie	McClain	Sims	
Glisson	Myers	Stolzenburg	
Gordon	Pettigrew	Trask	

Nays—7

Childers	Lewis	Saunders	Zinkil
Henderson	Peterson	Wilson	

By unanimous consent Senator Vogt was recorded as voting yea.

Consideration of SB 1005 was deferred.

HB 775—A bill to be entitled An act to amend Chapter 17, F.S., relating to state warrants; amending section 17.26, F.S., to provide that the state comptroller may issue a new warrant to replace a canceled warrant within three (3) years from date

of issue of the original; providing that in the event a warrant is not presented for payment within three (3) years from date of issue, the obligation shall become unenforceable and no warrant shall be issued thereafter; providing a "saving clause" to afford a remedy to any person whose legal rights may be adversely affected; providing for return of funds to fund of original issue; providing an effective date.

—was read the second time by title. On motion by Senator Firestone, by two-thirds vote HB 775 was read the third time by title, passed and certified to the House. The vote was:

Yeas—30

Mr. President	Graham	Myers	Trask
Brantley	Gruber	Peterson	Ware
Childers	Henderson	Plante	Weber
Deeb	Johnston	Poston	Wilson
Firestone	Lane (31st)	Saunders	Winn
Gillespie	Lane (23rd)	Sayler	Zinkil
Glisson	Lewis	Sims	
Gordon	McClain	Stolzenburg	

Nays—None

By unanimous consent Senator Vogt was recorded as voting yea.

On motion by Senator Firestone, HB 707 was withdrawn from the Committee on Commerce by two-thirds vote and placed on the calendar.

SB 671 was taken up and on motion by Senator Firestone—

HB 707—A bill to be entitled An act relating to the powers, duties and functions of the treasurer; amending sections 18.02, 18.06, 18.07, 18.08, 18.10(1), 18.11(1), Florida Statutes; repealing section 18.21, Florida Statutes; amending chapter 18, Florida Statutes, by adding new sections 18.22 and 18.23; authorizes the treasurer to provide a personal check cashing service for certain persons; removes the ten (10) day deadline for the treasurer to present to the governor the monthly financial statement of the treasurer; requires treasurer to keep a record of all state funds and securities; removes certain obsolete language; permits the treasurer to deposit state moneys into savings accounts in savings and loan associations; requires the treasurer to ensure compliance by banks with board of administration policy as to adequacy of collateral pledged; authorizes the department to promulgate rules and regulations to effectuate the provisions of chapter 18, Florida Statutes; permits the treasurer to prescribe forms for the deposit of state moneys; providing an effective date.

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

On motions by Senator Firestone the following amendments were adopted:

Amendment 1—On pages 3 and 4 strike all Section 5.

Amendment 2—On page 1, line 6 of the title, strike the number "18.10(1)"

Amendment 3—On page 1, lines 17-20 in the title, strike the words "permits the treasurer to deposit state moneys into savings accounts in savings and loan associations."

On motion by Senator Firestone, by two-thirds vote HB 707 as amended was read the third time by title and passed. The vote was:

Yeas—30

Mr. President	Graham	Myers	Trask
Brantley	Gruber	Peterson	Ware
Childers	Henderson	Plante	Weber
Deeb	Johnston	Poston	Wilson
Firestone	Lane (31st)	Saunders	Winn
Gillespie	Lane (23rd)	Sayler	Zinkil
Glisson	Lewis	Sims	
Gordon	McClain	Stolzenburg	

Nays—None

By unanimous consent Senator Vogt was recorded as voting yea.

The bill with amendments was delivered to the engrossing clerk.

SB 671 was laid on the table.

CS for HB 1016—A bill to be entitled An act relating to retail installment sales under Parts I, II, III and IV of Chapter 520, Florida Statutes, amending Part I of said chapter by amending subsection (3) of section 520.03, F.S., to raise the annual license fee for a sales finance company from twenty-five dollars (\$25.00) to fifty dollars (\$50.00), raising the annual license fee for the principal place of business of each retail installment seller of motor vehicles from ten dollars (\$10.00) to twenty-five dollars (\$25.00); and providing for a separate license for each branch location of a retail installment seller; amending Part II of chapter 520, Florida Statutes, by amending section 520.32(1), Florida Statutes, providing an annual license fee of ten dollars (\$10.00) instead of five dollars (\$5.00) to be levied upon retail sellers; amending subsection (1) of section 520.52, F.S., to raise license fees from twenty-five (\$25.00) to fifty dollars (\$50.00) for each principal place of business of each sales finance company and to raise the separate fee for each branch by the same amount; and to eliminate present licensing exceptions for small loan lenders and registrants under chapters 516, F.S., and 519, F.S., respectively; amending parts I and III of chapter 520, Florida Statutes, by amending section 520.05(1) and 520.55(1), F.S., to raise the daily examination fee for a sales finance company and amending part IV of chapter 520, Florida Statutes, by amending section 520.96(2), F.S., to raise the daily examination fees for a home improvement finance agency salesman or contractor, with all such fees to be raised from thirty-five dollars (\$35.00) per day to fifty (\$50.00) per day for each examiner; providing an effective date.

—was read the second time by title. On motion by Senator Plante, by two-thirds vote CS for HB 1016 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Mr. President	Gordon	McClain	Sims
Barron	Graham	Myers	Trask
Brantley	Gruber	Peterson	Vogt
Childers	Henderson	Pettigrew	Weber
Deeb	Johnston	Plante	Williams
Firestone	Lane (31st)	Poston	Winn
Gillespie	Lane (23rd)	Saunders	Zinkil
Glisson	Lewis	Scarborough	

Nays—None

On motions by Senator Barron, House Bills 1630 and 1632 were withdrawn from the Committee on Rules and Calendar by two-thirds vote and placed on the calendar.

On motion by Senator Barron, HB 847 was withdrawn from the Committee on Judiciary by two-thirds vote and placed on the calendar.

HB 1895—A bill to be entitled An act relating to milk and milk products; amending section 502.012 (29) and (30), Florida Statutes, defining cottage cheeses; amending section 502.041(6), Florida Statutes, relating to labeling percentage of butterfat; providing an effective date.

—was read the second time by title. On motion by Senator Lane (23rd), by two-thirds vote HB 1895 was read the third time by title, passed and certified to the House. The vote was:

Yeas—26

Mr. President	Gruber	Peterson	Vogt
Childers	Henderson	Plante	Weber
Deeb	Johnston	Poston	Williams
Firestone	Lane (23rd)	Scarborough	Winn
Glisson	Lewis	Sims	Zinkil
Gordon	McClain	Stolzenburg	
Graham	Myers	Trask	

Nays—None

CS for HB 1305—A bill to be entitled An act relating to cosmetology; amending §477.04, Florida Statutes, 1971, relating to the practice of cosmetology under master cosmetologists, to provide a required ratio of cosmetologists to master cosmetologists; amending §477.07 (1)(a) and (2), Florida Statutes, relating to qualifications for certification as a cosmetologist, to provide for certain requirements for registration and to

provide requirements in event of examination failure; amending §477.08(6), Florida Statutes, 1971, relating to schools of cosmetology, to specify certain qualifications for applicants for certificates of registration as instructors of cosmetology; providing an effective date.

—was read the second time by title. On motion by Senator Poston, by two-thirds vote CS for HB 1305 was read the third time by title, passed and certified to the House. The vote was:

Yeas—28

Mr. President	Gruber	Peterson	Vogt
Brantley	Henderson	Plante	Ware
Childers	Johnston	Poston	Weber
Deeb	Lane (31st)	Scarborough	Williams
Firestone	Lane (23rd)	Sims	Wilson
Gillespie	McClain	Stolzenburg	Winn
Graham	Myers	Trask	Zinkil

Nays—3

Glisson	Gordon	Lewis
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SB 1126 was laid on the table.

HB 206—A bill to be entitled An act relating to forestry; authorizing participation by the state, through the division of forestry of the department of agriculture and consumer services, in federally funded fire protection assistance programs; authorizing cooperation by participating counties or fire departments; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote HB 206 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Gordon	Myers	Ware
Barron	Graham	Peterson	Weber
Brantley	Gruber	Plante	Williams
Childers	Henderson	Poston	Wilson
Deeb	Johnston	Scarborough	Winn
de la Parte	Lane (31st)	Sims	Zinkil
Firestone	Lane (23rd)	Stolzenburg	
Gillespie	Lewis	Trask	
Glisson	McClain	Vogt	

Nays—None

SB 993 was taken up and on motion by Senator Deeb—

HB 1644—A bill to be entitled An act relating to alcoholic beverages; amending §561.20(2)(a), Florida Statutes, 1972 Supplement, to provide that special licenses can be issued to condominium-owned motor courts; providing an effective date.

—a companion measure was substituted therefor. On motions by Senator Deeb, by two-thirds vote HB 1644 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—22

Mr. President	Henderson	Pettigrew	Vogt
Brantley	Lane (31st)	Plante	Weber
Deeb	Lane (23rd)	Poston	Wilson
de la Parte	Lewis	Sims	Winn
Gordon	McClain	Stolzenburg	
Graham	Myers	Trask	

Nays—9

Childers	Glisson	Peterson	Zinkil
Firestone	Gruber	Scarborough	
Gillespie	Johnston		

HB 208—A bill to be entitled An act relating to motor vehicle licenses; adding a new paragraph (d) to §320.08(3), Florida Statutes, 1972 Supplement, to provide for a "Q" series tag

for all trucks weighing three thousand (3,000) pounds or less which were manufactured more than twenty (20) years prior to the current date; providing an effective date.

—was read the second time by title. On motion by Senator Poston, by two-thirds vote HB 208 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Graham	Peterson	Ware
Brantley	Gruber	Pettigrew	Weber
Childers	Henderson	Plante	Williams
Deeb	Johnston	Poston	Wilson
de la Parte	Lane (31st)	Scarborough	Winn
Firestone	Lane (23rd)	Sims	Zinkil
Gillespie	Lewis	Stolzenburg	
Glisson	McClain	Trask	
Gordon	Myers	Vogt	

Nays—None

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

HB 1032—A bill to be entitled An act relating to trading stamp companies amending Part I of Chapter 559, F.S.; amending section 559.04(2)(d), F.S., to increase registration fees for trading stamp companies; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 1032 was read the third time by title, passed and certified to the House. The vote was:

Yeas—29

Mr. President	Henderson	Pettigrew	Ware
Brantley	Johnston	Plante	Weber
de la Parte	Lane (31st)	Poston	Williams
Firestone	Lane (23rd)	Scarborough	Wilson
Glisson	Lewis	Sims	Winn
Gordon	McClain	Stolzenburg	
Graham	Myers	Trask	
Gruber	Peterson	Vogt	

Nays—None

By unanimous consent Senator Childers was recorded as voting yea.

CS for HB 1532—A bill to be entitled An act relating to forest fire protection; amending §125.27(1), Florida Statutes, 1972 Supplement, requiring fire protection agreements between the division of forestry of the department of agriculture and consumer services and each county; providing an effective date.

—was read the second time by title. On motion by Senator Plante, by two-thirds vote CS for HB 1532 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Mr. President	Graham	Myers	Trask
Brantley	Gruber	Peterson	Vogt
Childers	Henderson	Pettigrew	Ware
de la Parte	Johnston	Plante	Weber
Firestone	Lane (31st)	Poston	Williams
Gillespie	Lane (23rd)	Scarborough	Wilson
Glisson	Lewis	Sims	Zinkil
Gordon	McClain	Stolzenburg	

Nays—None

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 31, 1973

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

By the Committee on General Legislation and Representatives Carl Singleton and Dick Clark—

CS for HB 1499—A bill to be entitled An act relating to employment of persons in alcoholic beverage establishments; amending section 562.13, Florida Statutes, to provide that the director of the division of beverage, in his discretion and for good cause shown, may authorize the employment of a person twenty-one years or older to be in charge of a place of business licensed under the beverage law for consumption on or off the premises, notwithstanding any other provision of the beverage law; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB 1499, 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 CS for HB 1499 out of order.

On motion by Senator Brantley, by two-thirds vote CS for HB 1499 was read the second time by title.

On motion by Senator Pettigrew the following amendment was adopted:

Amendment 1—On page 3, line 10, strike Section 2 and insert: Section 2. In the event S.B. 332 becomes law, inconsistent language of the existing section repeated herein shall not be deemed to be reinstated hereby.

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

On motion by Senator Brantley, by two-thirds vote, CS for HB 1499 as amended was read the third time by title and passed.

The vote was:

Yeas—28

Mr. President	Graham	Pettigrew	Vogt
Brantley	Gruber	Plante	Ware
Childers	Henderson	Poston	Weber
Deeb	Lane (31st)	Saunders	Williams
Firestone	Lane (23rd)	Scarborough	Wilson
Gillespie	McClain	Sims	Winn
Gordon	Myers	Stolzenburg	Zinkil

Nays—5

Glisson	Lewis	Peterson	Trask
Johnston			

The bill with amendment was delivered to the engrossing clerk.

SB 1005 was laid on the table.

The Senate resumed Special Order.

HB 1455—A bill to be entitled An act relating to the taking of shrimp; prohibiting the taking of shrimp during a closed season in certain areas; providing a penalty; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by a two-thirds vote HB 1455 was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

Mr. President	Gordon	Myers	Trask
Barron	Graham	Peterson	Vogt
Brantley	Gruber	Pettigrew	Ware
Childers	Henderson	Plante	Weber
Deeb	Johnston	Poston	Williams
de la Parte	Lane (31st)	Saunders	Wilson
Firestone	Lane (23rd)	Scarborough	Winn
Gillespie	Lewis	Sims	Zinkil
Glisson	McClain	Stolzenburg	

Nays—None

Consideration of CS for HB 1597 and CS for CS for HB 1368 was deferred.

HB 1249—A bill to be entitled An act relating to the division of archives, history and records management; amending §267.031(2), Florida Statutes, providing for advisory councils; providing an effective date.

—was read the second time by title. On motion by Senator Graham, by two-thirds vote HB 1249 was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

Mr. President	Glisson	Myers	Trask
Barron	Graham	Peterson	Vogt
Brantley	Gruber	Pettigrew	Ware
Childers	Henderson	Plante	Weber
Deeb	Lane (31 st)	Poston	Williams
de la Parte	Lane (23 rd)	Scarborough	Wilson
Firestone	Lewis	Sims	Winn
Gillespie	McClain	Stolzenburg	Zinkil

Nays—None

SB 888 was laid on the table.

HB 787—A bill to be entitled An act relating to diseased honeybees; providing an appropriation to the department of agriculture and consumer services from the general revenue fund for compensation for destruction of diseased honeybee colonies; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote HB 787 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

Mr. President	Gordon	Myers	Trask
Barron	Graham	Peterson	Vogt
Brantley	Gruber	Pettigrew	Ware
Childers	Henderson	Plante	Weber
Deeb	Johnston	Poston	Wilson
de la Parte	Lane (31 st)	Saunders	Winn
Firestone	Lane (23 rd)	Scarborough	Zinkil
Gillespie	Lewis	Sims	
Glisson	McClain	Stolzenburg	

Nays—1

Williams

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

CS for HB 813—A bill to be entitled An act relating to licensing of physicians; adding subsection (5) to §458.05, Florida Statutes; allowing the Florida board of medical examiners to issue a temporary certificate to practice medicine in an area where there is a critical need of physicians and the population of the area is less than 7,500; allowing the board to administer an oral examination; providing that the physician has been licensed to practice medicine in another state and also providing that he has practiced pursuant to law for at least ten years; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote CS for HB 813 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Gordon	Myers	Ware
Barron	Graham	Peterson	Weber
Brantley	Gruber	Plante	Williams
Childers	Henderson	Poston	Wilson
Deeb	Johnston	Scarborough	Winn
de la Parte	Lane (31 st)	Sims	Zinkil
Firestone	Lane (23 rd)	Stolzenburg	
Gillespie	Lewis	Trask	
Glisson	McClain	Vogt	

Nays—None

On motion by Senator Gordon, HB 1419 was withdrawn from the Committee on Commerce by two-thirds vote and placed on the calendar.

SB 964 was taken up and on motion by Senator Gordon—

HB 1419—A bill to be entitled An act relating to Savings and Loan Associations; amending section 665.361(1), Florida Statutes, to make bankers acceptances which are eligible for purchase by federal reserve banks permissible investments for associations; amending section 665.361(2), Florida Statutes, to make clear that certain corporate obligations are permissible investments; amending section 665.191(4), Florida Statutes, to repeal the requirement that an association close its books on June 30 of each year; amending section 665.441(3), Florida Statutes, to correct a statutory reference therein; amending section 665.101, Florida Statutes, authorizing reasonable charges for early withdrawals of classified savings accounts; amending section 665.231(5), Florida Statutes, increasing the dollar amount of inducements that can be given by associations to fifteen dollars (\$15.00) if approved by the department; adding new section 665.442, Florida Statutes, empowering an association to establish and operate facilities so authorized by the department other than a home office or branch office; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Gordon, by two-thirds vote HB 1419 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Mr. President	Glisson	Lewis	Stolzenburg
Barron	Gordon	McClain	Trask
Brantley	Graham	Myers	Vogt
Childers	Gruber	Peterson	Ware
Deeb	Henderson	Plante	Wilson
de la Parte	Johnston	Poston	Winn
Firestone	Lane (31 st)	Scarborough	Zinkil
Gillespie	Lane (23 rd)	Sims	

Nays—1

Williams

HB 1052—A bill to be entitled An act relating to food products in semblance of frozen desserts; amending chapter 503, Florida Statutes, by adding section 503.062 to require food products in semblance of frozen desserts to be controlled by inspection, stop sale, license, manufacture, sanitation, bacteriological, and health standards of chapter 503, Florida Statutes, and to be labeled distinctly from frozen desserts; providing an effective date.

—was read the second time by title. On motion by Senator Lane (23rd), by two-thirds vote HB 1052 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

Mr. President	Gordon	Myers	Vogt
Barron	Graham	Peterson	Ware
Brantley	Gruber	Plante	Weber
Childers	Henderson	Poston	Williams
Deeb	Johnston	Saunders	Wilson
de la Parte	Lane (31 st)	Scarborough	Winn
Firestone	Lane (23 rd)	Sims	Zinkil
Gillespie	Lewis	Stolzenburg	
Glisson	McClain	Trask	

Nays—None

HB 1053—A bill to be entitled An act relating to frozen desserts; amending section 503.031(2), Florida Statutes, to authorize inspection of frozen desserts; amending section 503.031, Florida Statutes, by adding subsection (5) to authorize issue of order of stop sale; providing effective date.

—was read the second time by title. On motion by Senator Lane (23rd), by two-thirds vote HB 1053 was read the third time by title, passed and certified to the House. The vote was:

Yeas—29

Mr. President	Glisson	McClain	Stolzenburg
Barron	Graham	Myers	Trask
Brantley	Gruber	Peterson	Weber
Childers	Henderson	Plante	Winn
Deeb	Johnston	Poston	Zinkil
de la Parte	Lane (31st)	Saunders	
Firestone	Lane (23rd)	Scarborough	
Gillespie	Lewis	Sims	

Nays—4

Gordon	Vogt	Williams	Wilson
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HB 459—A bill to be entitled An act providing technical amendments to the state bond act; amending section 215.65(1), Florida Statutes, to provide that the unencumbered surplus in the bond fee trust fund shall never exceed two hundred twenty-five thousand dollars (\$225,000) at the end of any fiscal year; amending section 215.69, Florida Statutes, to provide that accounts for outstanding bond issues shall be maintained solely by the state board of administration; amending section 215.68(5) (a), Florida Statutes, to provide that the average net interest cost rate at which bonds are sold shall be no more than seven and one half percent (7½%) per annum; amending section 215.79(2), Florida Statutes, relating to redemption of outstanding bonds prior to maturity and escrow deposits for such purpose; amending section 215.64(9), Florida Statutes, to provide for exercise of the power of eminent domain for the purposes of the state bond act as provided by section 288.15(2), Florida Statutes; amending section 215.82, Florida Statutes, providing for validation of bonds issued in the name of the state board of education and bonds issued pursuant to the land conservation act of 1972; providing an effective date.

—was read the second time by title. On motion by Senator Graham, by two-thirds vote HB 459 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Graham	Peterson	Ware
Barron	Gruber	Plante	Weber
Brantley	Henderson	Poston	Williams
Childers	Johnston	Saunders	Wilson
Deeb	Lane (31st)	Scarborough	Winn
de la Parte	Lane (23rd)	Sims	Zinkil
Gillespie	Lewis	Stolzenburg	
Glisson	McClain	Trask	
Gordon	Myers	Vogt	

Nays—None

SB 879 was laid on the table.

Consideration of SB 954 was deferred.

HB 513—A bill to be entitled An act relating to education; adding paragraphs (g) and (h) to §232.01(1), Florida Statutes, 1971, relating to minimum ages for school attendance, to provide that certain children may enter public school at an age earlier than allowed by present law; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendments which were adopted on motions by Senator Graham:

Amendment 1—On page 1, lines 19 through 21, strike “any child who has attained the age of six years on or before June 1 of the school year of any school having annual promotions” and insert: Any child who will attain the age of six years during the school year of any school having annual promotions

Amendment 2—On page 1, line 27, strike “has attained” and insert: will attain

Amendment 3—On page 1, line 24, and on page 2, line 3, strike “for one year”

On motion by Senator Scarborough, by two-thirds vote HB 513 as amended was read the third time by title and passed. The vote was:

Yeas—31

Mr. President	Gordon	Peterson	Trask
Barron	Graham	Plante	Vogt
Brantley	Gruber	Poston	Ware
Deeb	Henderson	Saunders	Williams
de la Parte	Lane (31st)	Sayler	Wilson
Firestone	Lane (23rd)	Scarborough	Winn
Gillespie	McClain	Sims	Zinkil
Glisson	Myers	Stolzenburg	

Nays—4

Childers	Johnston	Lewis	Weber
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The bill with amendments was delivered to the engrossing clerk.

CS for HB 1810—A bill to be entitled An act relating to transportation; amending section 334.211, subsection (6), Florida Statutes, to require written notice to all affected property owners, 20 days prior to holding a planning hearing. Requires publication in newspaper of notice for fourteen (14) days prior to all subsequent public hearings; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendments which were adopted on motions by Senator Poston:

Amendment 1—On page 1, line 8, strike entire line and insert: holding a design hearing. Requires publi-

Amendment 2—On page 2, line 28, strike entire line and insert: 1. The department prior to holding a design hearing,

On motion by Senator Poston, by two-thirds vote CS for HB 1810 as amended was read the third time by title and passed. The vote was:

Yeas—35

Mr. President	Gordon	Myers	Trask
Barron	Graham	Peterson	Vogt
Brantley	Gruber	Plante	Ware
Childers	Henderson	Poston	Weber
Deeb	Johnston	Saunders	Williams
de la Parte	Lane (31st)	Sayler	Wilson
Firestone	Lane (23rd)	Scarborough	Winn
Gillespie	Lewis	Sims	Zinkil
Glisson	McClain	Stolzenburg	

Nays—None

The bill with amendments was delivered to the engrossing clerk.

SCR 1035 was taken up and on motion by Senator de la Parte—

HCR 1794—A concurrent resolution proposing the appointment of a select legislative committee on the Central Florida Transportation Corridor.

—a companion measure was substituted therefor. On motion by Senator de la Parte, by two-thirds vote HCR 1794 was read the second time in full, adopted and certified to the House. The vote was:

Yeas—32

Mr. President	Glisson	Lewis	Stolzenburg
Barron	Gordon	McClain	Trask
Brantley	Graham	Myers	Vogt
Childers	Gruber	Peterson	Ware
Deeb	Henderson	Plante	Williams
de la Parte	Johnston	Poston	Wilson
Firestone	Lane (31st)	Scarborough	Winn
Gillespie	Lane (23rd)	Sims	Zinkil

Nays—None

SCR 1035 was laid on the table.

HB 662—A bill to be entitled An act relating to ad valorem taxation and exemptions therefrom; amending §196.197(6), Florida Statutes, 1971, to provide that certain homes for the aged shall be entitled to an exemption without licensing by the division of health of the department of health and rehabilitative services regardless of the date and duration of their exemption from the payment of income taxes under the federal income tax laws; providing an effective date.

—was read the second time by title. On motion by Senator de la Parte, by two-thirds vote HB 662 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

Mr. President	Gordon	Myers	Vogt
Barron	Graham	Peterson	Ware
Brantley	Gruber	Plante	Weber
Childers	Henderson	Poston	Williams
Deeb	Johnston	Saunders	Wilson
de la Parte	Lane (31st)	Scarborough	Winn
Firestone	Lane (23rd)	Sims	Zinkil
Gillespie	Lewis	Stolzenburg	
Glisson	McClain	Trask	

Nays—None

On motion by Senator de la Parte the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 31, 1973

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

By the Committee on General Legislation and Representative Seessums and others—

HCR 2203—A concurrent resolution recognizing the courage, endurance, and sacrifices of those Florida citizens held as prisoners of war in Indochina and expressing the joy and pride of this legislature upon their safe return.

HCR 2203, contained in the above message, was read the first time and placed on the calendar.

On motion by Senator de la Parte, unanimous consent was obtained to take up HCR 2203 out of order. On motion by Senator de la Parte, by two-thirds vote HCR 2203 was read the second time in full, adopted and certified to the House. The vote was:

Yeas—33

Mr. President	Gordon	Myers	Ware
Barron	Graham	Peterson	Weber
Brantley	Gruber	Plante	Williams
Childers	Henderson	Poston	Wilson
Deeb	Johnston	Saunders	Winn
de la Parte	Lane (31st)	Scarborough	Zinkil
Firestone	Lane (23rd)	Stolzenburg	
Gillespie	Lewis	Trask	
Glisson	McClain	Vogt	

Nays—None

The Senate resumed Special Order.

HB 1129—A bill to be entitled An act relating to the military code; amending §250.34, Florida Statutes, 1971, to provide benefits for injury, death or disability incurred by a member of the organized militia while in state active service; providing an effective date.

—was read the second time by title. On motion by Senator de la Parte, by two-thirds vote HB 1129 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Mr. President	Gordon	McClain	Trask
Brantley	Graham	Myers	Vogt
Childers	Gruber	Peterson	Ware
Deeb	Henderson	Plante	Weber
de la Parte	Johnston	Poston	Wilson
Firestone	Lane (31st)	Saunders	Winn
Gillespie	Lane (23rd)	Sims	Zinkil
Glisson	Lewis	Stolzenburg	

Nays—None

SB 1068 was taken up, together with:

By the Committee on Transportation—

CS for SB 1068—A bill to be entitled An act relating to identification cards; creating §322.051, Florida Statutes; providing for the department of highway safety and motor vehicles to issue identification cards to persons not issued drivers' licenses; providing guidelines for identification cards; providing an effective date.

—which was read the first time by title and SB 1068 was laid on the table.

On motions by Senator Deeb, by two-thirds vote CS for SB 1068 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

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

Nays—None

HB 1661—A bill to be entitled An act relating to game promotions used in connection with the promotion or sale of consumer products or services; amending §849.094, Florida Statutes, 1971, to provide publishing of advertising copy; establishing a minimum value of prizes to be reported; increasing time limitations for reporting; instructing the department of legal affairs to keep lists of winners for six (6) months; providing a penalty; providing an effective date.

—was read the second time by title. On motion by Senator Poston, by two-thirds vote HB 1661 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Mr. President	Gordon	McClain	Trask
Barron	Graham	Myers	Vogt
Childers	Gruber	Peterson	Ware
Deeb	Henderson	Plante	Weber
de la Parte	Johnston	Poston	Williams
Firestone	Lane (31st)	Scarborough	Wilson
Gillespie	Lane (23rd)	Sims	Zinkil
Glisson	Lewis	Stolzenburg	

Nays—None

HB 1905—A bill to be entitled An act relating to the division of hotels and restaurants, amending section 509.301, Florida Statutes, affecting the advisory council for industry education; amending subsection (3), (4), (5), and (6), section 509.302, Florida Statutes, affecting the role of the director of education employed by the advisory council for industry education; providing an effective date.

—was read the second time by title. On motion by Senator Winn, by two-thirds vote HB 1905 was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

Mr. President	Firestone	Henderson	Myers
Barron	Gillespie	Johnston	Peterson
Brantley	Glisson	Lane (31st)	Pettigrew
Childers	Gordon	Lane (23rd)	Plante
Deeb	Graham	Lewis	Poston
de la Parte	Gruber	McClain	Sayler

Scarborough	Trask	Weber	Winn
Sims	Vogt	Williams	Zinkil
Stolzenburg	Ware	Wilson	

Nays—None

HB 1906—A bill to be entitled An act relating to the division of hotels and restaurants; creating §509.012, Florida Statutes; defining division, owner or operator, guest, public lodging establishments, public food service establishments, director, single complex of buildings, ironed, transient occupancy, and transient; amending §§509.032, 509.071, 509.091, 509.101, 509.111, 509.131, 509.141, 509.142, 509.151, 509.161, 509.162, 509.171, 509.181, 509.191, 509.201, 509.211(6), (8) and (11), 509.221, 509.241(1) and (5), 509.261, 509.281 and 509.292, Florida Statutes; replacing obsolete language with new definitions; revising and deleting obsolete or vague provisions; changing standards for exits from certain establishments; changing the square footage requirement of subsection (8) of §509.211, Florida Statutes, from 2,500 square feet to 3,000 square feet; changing the definition of public lodging establishments in subsection (1)(a) of §509.241, Florida Statutes; correcting the definition of fresh juice appearing in subsection 2 of §509.292, Florida Statutes, providing an effective date.

—was read the second time by title. On motion by Senator Winn, by two-thirds vote HB 1906 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

Mr. President	Gordon	Myers	Vogt
Barron	Graham	Peterson	Ware
Brantley	Gruber	Plante	Weber
Childers	Henderson	Poston	Williams
Deeb	Johnston	Sayler	Wilson
de la Parte	Lane (31st)	Scarborough	Winn
Firestone	Lane (23rd)	Sims	Zinkil
Gillespie	Lewis	Stolzenburg	
Glisson	McClain	Trask	

Nays—None

HB 666—A bill to be entitled An act relating to public lodging establishments; amending §509.111(1), Florida Statutes, 1971, relating to the liability of operators of such establishments for the loss of personal property of guests; providing an effective date.

—was read the second time by title. On motion by Senator Winn, by two-thirds vote HB 666 was read the third time by title, passed and certified to the House. The vote was:

Yeas—28

Mr. President	Gordon	Myers	Stolzenburg
Brantley	Graham	Peterson	Trask
Deeb	Gruber	Pettigrew	Vogt
de la Parte	Henderson	Plante	Ware
Firestone	Lane (23rd)	Poston	Weber
Gillespie	Lewis	Sayler	Winn
Glisson	McClain	Sims	Zinkil

Nays—6

Barron	Johnston	Williams	Wilson
Childers	Lane (31st)		

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

HCR 685—A concurrent resolution urging Congress to enact the Surface Transportation Act of 1971.

—was read the second time in full and failed of adoption. The vote was:

Yeas—9

Mr. President	de la Parte	Lewis	Vogt
Barron	Glisson	Stolzenburg	
Brantley	Lane (23rd)		

Nays—24

Childers	Gruber	Peterson	Sims
Deeb	Henderson	Pettigrew	Trask
Firestone	Johnston	Plante	Weber
Gillespie	Lane (31st)	Poston	Williams
Gordon	McClain	Sayler	Wilson
Graham	Myers	Scarborough	Winn

A motion by Senator Gillespie failed that the Senate reconsider the vote by which HCR 685 failed of adoption.

Senator Sims moved that the Senate reconsider the vote by which HB 666 passed and the motion failed.

Senator Sayler moved that the Senate reconsider the vote by which HB 2105 passed this day. The motion was adopted and the Senate reconsidered. The vote was:

Yeas—19

de la Parte	Lane (31st)	Pettigrew	Stolzenburg
Firestone	Lewis	Plante	Weber
Gordon	McClain	Poston	Williams
Graham	Myers	Sayler	Wilson
Henderson	Peterson	Sims	

Nays—15

Mr. President	Deeb	Lane (23rd)	Vogt
Barron	Gillespie	Saunders	Ware
Brantley	Glisson	Scarborough	Winn
Childers	Gruber	Trask	

ENGROSSING REPORTS

Your Engrossing Clerk reports amendments to—

CS for CS for HB 124 HB 205 HB 1345

—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 reports amendments to—

CS for HB's 168, 228, & 269 HB 1423
 CS for HB's 315 & 376 HB 1168

—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 reports amendments to—

HB 1932 HB 2081 CS for HB 2116 HB 2133

—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 reports amendments to HB 1915 have been examined and the bill returned herewith.

ELMER O. FRIDAY, Secretary

The bill with amendments was ordered certified to the House.

The Journal of May 30 was corrected as follows and approved:

Page 643, counting from the bottom of column 2, strike lines 5 through 10 and insert: CS for SB 271, SB 458, SB 515, CS for SB 555, SB 582, CS for SB 592, CS for SB 637, SB 772, SB 923

Page 656, counting from the bottom of column 1, between lines 16 and 17 insert: Amendment 3—On page 1, strike line 6 and remainder of the title and insert:

Page 656, column 2, strike lines 3 and 4 and insert: On motions by Senator Barron, the Senate concurred in House amendment 1 as amended and Amendment 3 to SB 49.

The Journal of May 28 was further corrected as follows and approved:

Page 573, counting from the bottom of column 2, line 13, strike "874" and insert: 872

Page 586, column 1, line 22, strike "271" and insert: 721

Page 595, column 2, strike line 34 and insert: and to the governing body of each tax levying agency in the

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 10:15 p.m. to reconvene at 9:15 a.m., June 1, 1973.