JOURNAL OF THE FLORIDA SENATE

Friday, June 1, 1973

The Senate was called to order by the President Pro Tempore at 9:15 a.m. A quorum present—38:

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

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; Senator Barron at 5:45 p.m.

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

Father, in these closing days of the Senate, we shall be in danger of thinking negatively in retrospect. Grant us the courage and conviction to live with our decisions, believing in the process of government we have accepted for ourselves. Keep us from the hallucination of what might have been and help us to accept the reality of what is.

Teach us the healthy forgetfulness of what we cannot now change and help us to refocus our vision on what lies ahead so that yesterday's experiences may become tomorrow's guidelines.

Again, we ask for harnessing of emotions that can so easily erupt from tired bodies and minds. Grant us strength for today and we shall seek again your aid in the morrow.

In the name of our Lord. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends that no emergency exists compelling Senate consideration of the following bills: SB 6A, SB 7A

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Friday, June 1, 1973:

SB 1261	HB 1700	HB 1145
HB 1491	HB 2188	SB 664
SB 1294	HB 2105	HB 1293
HB 1006	CS for HB 1752	HB 1295
CS for HB 1020	HB 105	HB 1376
CS for HB 233	HB 814	HB 2144
SB 816	SB 1266	SB 817
SB 248	HB 584	

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar recommends that the following bills be placed on the Special Order Calendar for Friday, June 1, 1973 commencing at the time to be determined by the President:

CS for HB 1	HB 1497	HB 1589	HB 252
HB 847	HB 1498	HB 1381	CS for HB's
HB 1630	HB 1358	HB 1851	914 & 915
HB 1632	SB 362	HB 1089	HJR 1907
HB 1342	HB 81	CS for HB 754	

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar recommends that the following bills constitute the Reviser's Bills Special Order Calendar for Friday, June 1, 1973:

HB 2058	HB 2061	HB 2065	HB 2068
HB 2059	HB 2062	HB 2066	HB 2069
HB 2060	HB 2063	HB 2067	

Respectfully submitted,
Dempsey J. Barron, Chairman

ENGROSSING REPORTS

Your Engrossing Clerk reports amendments to HB 2126 have been examined and the bill returned herewith.

ELMER O. FRIDAY, Secretary

The bill with amendments was ordered certified to the House.

Your Engrossing Clerk to whom was referred—

SCR 295 with 1 amendment	SB 854 with 3 amendments
SB 834 with 5 amendments	SB 1367 with 2 amendments

—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 847 with 1 amendment reports that the Senate amendment has been incorporated and the bill is returned herewith.

ELMER O. FRIDAY, Secretary

The bill was ordered enrolled.

ENROLLING REPORTS

Your Enrolling Clerk to whom was referred—

SB 370	CS for SB 835
SB 434	CS for SB 943
SB 628	SB 1048
CS for SB 741	CS for SB 1164
SB 747	

—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on June 1, 1973.

ELMER O. FRIDAY, Secretary

Your Enrolling Clerk to whom was referred SB 167 reports same has been enrolled, signed by the required Constitutional officers and presented to the Governor on June 1, 1973.

ELMER O. FRIDAY, Secretary

Your Enrolling Clerk to whom was referred SB 743 reports same has been enrolled, signed by the required Constitutional officers and presented to the Governor on June 1, 1973.

ELMER O. FRIDAY, Secretary

MESSAGES FROM THE GOVERNOR

The Governor advised that he had filed in the office of the Secretary of State Senate Bills 161, 156, 177, 269, 389, 488, 582 and CS for SB 271, which he had approved on May 31, 1973.

The Governor advised that he had transmitted to the office of the Secretary of State Senate Bills 574, 575, 908 and 1329, which will become law without his signature.

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 Representative Fortune and others—

HB—2210—A bill to be entitled An act relating to Escambia County; providing for the creation of a water and sewer advisory board for the purpose of reviewing operations and making recommendations to privately or publicly owned water and sewerage systems; providing for development of plans and programs designed to construct and expand water systems and sewerage systems to serve the urban areas of the county; providing for review of rates, fees, special assessments and charges for the benefit, use of, and for the services furnished by any water system, sewerage system, or sewerage disposal system operated by private ownership or public ownership; requiring the filing of certain annual reports; describing the powers and duties of the authority in connection with the foregoing; providing for funding of such board; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

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—

By Representative Peaden and others—

HB 2212—A bill to be entitled An act relating to Escambia County; authorizing the board of county commissioners to enter into agreements with insurance companies for the purpose of procuring group life insurance for retired county employees; authorizing the expenditure of county funds to pay the premiums of said insurance; providing an effective date.

Proof of Publication attached.

By Representative Tolton and others—

HB 2213—A bill to be entitled An act relating to Okaloosa County; amending section 1 of chapter 63-1695, Laws of Florida, authorizing an increase in the charity fund to fifteen thousand dollars ($15,000) and increasing the maximum allowance per indigent person and indigent family; providing an effective date.

Proof of Publication attached.

By Representative Melvin and others—

HB 2214—A bill to be entitled An act relating to the Escambia County civil service board; amending §§1, 3, 5, 12(1) 17(6), and 23 of chapter 67-1370, Laws of Florida; providing for payment of certain expenses of members of the board; repealing certain restrictions on board members; providing for classification of county personnel; providing for status of present and future employees; providing for coverage of employees of previously existing agencies which are phased into county government; providing for anniversary dates for provisional appointments; providing for reporting of payrolls to civil service board; providing for guidelines for political activities by civil service employees; providing procedures for becoming candidates for public office; prohibiting certain political activities; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

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—

By Representative Whitson and others—

HB 2125—A bill to be entitled An act to amend Sub-paragraphs (a), (b) and (c) of Section 6 of the Municipal Charter of the City of Clearwater, Pinellas County, Florida, being Chapter 9710, Special Acts of Florida, 1923, as amended by Chapter 16363, Sections 1, 2 and 3, Special Acts of Florida, 1933, by Chapter 24432, Section 1 (a), Special Acts of Florida, 1947, by Chapter 65-1387, Section 1, Special Acts of Florida, 1965, by Chapter 69-958, Section 1, Special Acts of Florida, 1969, and by Chapter 70-634, Section 1, Special Acts of Florida, 1970, providing for the redefining of the boundaries and territorial limits of the City of Clearwater, Florida; providing for the severability of the provisions thereof; providing for the repeal of all laws in conflict herewith and providing for the effective date hereof.

Proof of Publication attached.

By Representative Peaden and others—

HB 2200—A bill to be entitled An act relating to the City of Pensacola, Escambia County; regulating the working hours of firemen of the city; providing for a fifty-six (56) hour work week; providing for overtime pay for firemen; providing for the minimum number of firemen; providing for the same numbers of apparatus; providing for no reduction of services; repealing all laws in conflict; providing an effective date.

Proof of Publication attached.

By Representative Danahy and others—

HB 2215—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; providing for the calling, holding, conduct, and regulations of municipal elections; providing for penalties; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

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 as amended—

By Representatives Fechtel and Mooney—

HB 2048—A bill to be entitled An act relating to Lake Mary, Seminole County; establishing the municipality of the City of Lake Mary; defining its territorial boundaries; providing for the powers of the city; establishing the city council and form of government; defining the responsibilities of the city manager; providing for administrative departments; establishing financial procedures; outlining procedures for nominations and elections; allowing initiative and referendum procedures; providing for amendments; providing for separability and transitional provisions; providing for a referendum.

Proof of Publication attached.

By Representative Tolton and others—

HB 2182—A bill to be entitled An act relating to Escambia County, land use regulations; amending chapter 65-1513, Laws of Florida; authorizing the board of county commissioners to regulate and restrict the use of land in certain areas of the county; providing for a division of the areas into districts; prescribing purposes of regulation and restriction; providing method of adopting, amending, and repealing such regulations; providing for application for certificate; providing method of issuing land use certificates; providing method of enforcement; providing for an appeal from the rejection of the application; providing an appropriation; providing that violation of this act is a misdemeanor; providing an effective date.

Proof of Publication attached.

By Representatives Mooney and Fechtel—

HB 2201—A bill to be entitled An act relating to the City of Casselberry, Seminole County, Florida; repealing Chapter 72-500, Laws of Florida; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

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—

By Representatives Fechtel and Mooney—

HB 2077—A bill to be entitled An act relating to Seminole County; creating the City of Forest City in Seminole County; establishing the corporate limit of the territory included in the city; providing for the form of government; establishing the jurisdiction and powers of the municipal government including the power of annexation of adjacent territory; establishing the process of initiation referendum and recall; providing for election of mayor and city council, preserving the duties and authority of its officers; establishing a fiscal year; providing for the power of taxation and lawful uses of tax money; providing for a referendum.

By Representative Mixson—

HB 2206—A bill to be entitled An act relating to the City of Marianna, Jackson County; establishing the Marianna Downtown Development Authority as a body corporate; prescribing the boundaries of the downtown area and the method of changing these boundaries; prescribing the number, qualifications, term, and methods of appointment or election and removal of members; providing for filling vacancies in office, for service without compensation, for reimbursement of expenses, for bonding, and for personal liability in certain instances; providing for bylaws and internal governance of the board; prescribing its functions and powers, including powers to acquire, own, lease, mortgage, and dispose of property; requesting the City of Marianna to exercise its eminent domain power for public purposes; providing for issuing, selling and providing security for revenue certificates and general obligation bonds; providing for fixing, regulating, and collecting rates and charges; providing for borrowing on short and long term; providing for maintenance of offices; providing for employment and prescribing the duties, authority, tenure, compensation, and expense reimbursement of a director and other staff with authority to exercise all necessary incidental powers; establishing development and taxing subdistricts; prescribing for the city to levy in each fiscal year an ad valorem property tax of not more than three (3) mills on nonhomestead exempt property to finance board operations; providing for assessment and collection thereof by the county tax collector; requiring maintenance of records, budget and fiscal management; forbidding participation on behalf of the board by personnel financially interested in the matter involved; providing provision for governing issuance of revenue certificates; providing provision for governing issuance of bonds; providing for succession by the city to the property and certain functions of the board if it ceases to exist or operate; providing for liberal construction and severability; providing for a referendum.

By Representative Danahy and others—

HB 2209—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; providing that vendors holding malt beverage off-premises sales licenses under state beverage laws shall be subject to alcoholic beverage zoning ordinances of the City of Tampa; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

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 as amended—

By Representative Fechtel—

HB 2091—A bill to be entitled An act relating to the Town of Silver Lake, Lake County; amending chapter 63-1937, Laws of Florida, deleting the provision requiring the town commissioners of the Town of Silver Lake to be owners of real estate in the town; removing the requirement that the mayor of the town be the judge of the municipal court and have jurisdiction over certain offenses; repealing section 10 of Chapter 63-1937, Laws of Florida, relating to taxes on real and personal property; providing that the construction, repair and maintenance of roads are county purposes; redefining the term "qualified elector"; providing that the referendum election relating to the creation of the Town of Silver Lake shall be conducted in a certain manner; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

Evidence of notice and publication was established by the Senate as to House Bills 2210, 2212, 2213, 2214, 2125, 2200, 2215, 2048, 2182, 2201, and 2209, contained in the above messages, which were read the first time by title and referred to the Committee on Rules and Calendar.

House Bills 2077, 2206 and 2091, contained in the above messages, were read the first time by title and referred to the Committee on Rules and Calendar.

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

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

By the Committee on Retirement, Personnel & Claims—

HB 2018—A bill to be entitled An act relating to the department of administration; amending §20.31(2) and (5)(b), Florida Statutes, 1972 Supplement, providing that affirmative action by the administration commission shall require the approval of any four (4) members of the commission; providing that certain rules and regulations shall be proposed by the department of administration after public hearing and requiring recommendation by the career service commission; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 2018, 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 Sessums—

HB 792—A bill to be entitled An act relating to education; providing for a school safety fund; providing a formula for distribution; providing duties for school districts; providing responsibilities for the commissioner of education; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

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

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

By the Committees on Appropriations and Environmental Protection and Representative Spicola and others—

CS for CS for HB's 284 & 213—A bill to be entitled An act relating to solid waste collection and disposal; creating sec-

tions 403.501-403.506, Florida Statutes, to be known as the Florida Solid Waste Management Act; declaring legislative findings and public policy; providing definitions; providing for solid waste management programs; providing prohibitions and penalties; providing for permits; providing severability; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 792 and CS for CS for HB's 284 & 213 contained in the above messages, were read the first time by title and referred to the Committee on Ways and Means.

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

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

By Representative James—

HCR 2216—A concurrent resolution in memory of Milton N. Weir, Jr.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HCR 2216, contained in the above message, was read the first time and placed on the calendar.

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 Representatives Melvin and Fortune—

HB 1851—A bill to be entitled An act relating to beverage licenses; providing that restaurants which are a part of or serve publicly owned or leased airports are exempt from requirements of law regarding the minimum size and seating capacity of such restaurants; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

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

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

By Representative Holloway and others—

HB 1309—A bill to be entitled An act relating to motor vehicle tax collections; creating a motor vehicle tax collection trust fund; amending section 320.20, Florida Statutes, providing that revenues other than the first proceeds, and other than taxes and fees distributed pursuant to subsections 320.-081(3) and 320.081(4), Florida Statutes, 1972 Supplement, be deposited in the motor vehicle tax trust fund; amending section 319.32, Florida Statutes, providing for all revenues to be deposited in motor vehicle tax trust fund; amending sections 322.12, 322.121, 322.21, Florida Statutes, providing for all revenues to be deposited in the motor vehicle tax trust fund; providing for distribution formula from motor vehicle tax trust fund; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

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

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

By the Committee on Finance & Taxation—

HB 2188—A bill to be entitled An act relating to sales and use taxation; amending subsections 212.08(4), 212.08(8), 212.-08(9) and 212.14(6), Florida Statutes, 1971, to clarify the exemption from tax of all fuel used in interstate commerce and statute of limitations on collection; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

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

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

By Representative Danahy—

HB 1462—A bill to be entitled An act relating to Southern growth policies, enacting into law the Southern Growth Policies Agreement; providing an effective date.

—and requests the concurrence of the Senate therein.

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 as amended—

By Representative Shreve and others—

HB 1845—A bill to be entitled An act relating to grand juries; creating chapter 906, Florida Statutes; authorizing the empaneling of grand juries with statewide jurisdiction; authorizing the governor, with the approval of the supreme court, to designate state attorneys to serve as legal advisors to statewide grand juries; providing for the selection of statewide grand jurors; providing for the return of indictments and presentments by statewide grand juries; providing for judicial supervision; providing an appropriation for the purpose of this act; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

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

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

By the Committee on Health & Rehabilitative Services and Representative Savage and others—

CS for HB 105—A bill to be entitled An Act relating to community-based service programs for the elderly; providing legislative intent and definitions; providing for the division of aging to establish and operate community based service programs for the elderly on a trial basis; providing for the selection of participating counties; providing for authority for the department of health and rehabilitative services to contract for services as necessary to implement the program; providing guidelines for enrollment of clients to be served; providing for the director of the division of aging to submit a report to the legislature at the end of the trial period; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

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

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

By the Committee on Community Affairs and Representatives Hartnett and Danahy—

CS for HB 1185—A bill to be entitled An act relating to housing, creating a division of housing in the department of community affairs; amending section 20.18(2) and (4)(a), Florida Statutes; providing for the powers, duties, and responsibilities of the division of housing; transferring the responsibili-

ties of the department of highway safety and motor vehicles for regulation of the construction of mobile homes to the department of community affairs and assigning same to the division of housing; amending section 320.822, Florida Statutes; providing for annual reports and for furnishing of information to the division; authorizing the division to establish certain fees; providing a severance clause; providing for an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

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

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

By the Committees on Appropriations and Community Affairs and Representative Danahy—

CS for HB 2144—A bill to be entitled An act relating to county official's salaries; amending §145.021(1), Florida Statutes, redefining "population"; amending §145.031, Florida Statutes, increasing the salary of county commissioners and establishing a calculation method; amending §145.041, Florida Statutes, increasing the salary of district school board members and establishing a calculation method; amending §145.051, Florida Statutes, increasing the salary of clerks of circuit courts and county comptrollers and establishing a calculation method; amending §145.071(1), Florida Statutes, increasing the salary of sheriffs and establishing a calculation method; amending §145.08(1) increasing the salary of superintendents of schools and establishing a calculation method; amending §145.09, Florida Statutes, increasing the salary of supervisors of elections and establishing a calculation method; amending §145.10, Florida Statutes, increasing the salary of tax assessors and establishing a calculation method; amending §145.11, Florida Statutes, increasing the salary of tax collectors and establishing a calculation method; repealing §145.121, Florida Statutes, which provides that income of county officials other than salary shall be income of the office and which provides for implementation of salary schedules; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

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

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

By the Committee on Rules & Calendar and the Committee on Governmental Operations—

CS for HB 2145—A bill to be entitled An act relating to administrative procedures; amending Section 120.021, Florida Statutes, redefining the terms "agency", and "rule" as used in Chapter 120, Florida Statutes; amending Sections 120.031 and 120.041, Florida Statutes, modifying the procedures for adoption of rules and the filing and taking effect of such rules; amending Section 12.21(1) and (2), Florida Statutes, redefining the term "adjudication" as used in Chapter 120, Florida Statutes; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

House Bills 1851, 1309, 2188, 1462, 1845, CS for HB 105, CS for HB 1185, CS for HB 2144 and CS for HB 2145, contained in the above messages, were read the first time by title and placed on the calendar.

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 the Committee on Education—

CS for SB 1312—A bill to be entitled An act relating to public colleges; adding paragraph (g) to subsection (1) of section 246.021, Florida Statutes; providing certain schools will be considered colleges.

Amendment 1—On page 1, lines 11-25, strike everything after the enacting clause and insert:

Section 1. Paragraphs (d), (e), and (f) of subsection (1), and subsections (5) and (6) of §246.021, 1972 Supplement to Florida Statutes, are amended to read:

246.021 Definitions.—As used in this chapter, unless the context otherwise requires:

(1) "College" means any educational facility maintained or conducted by any person, association, partnership, corporation, or trust and operating as an institute, community college, college, university, or entity of whatever kind which furnishes or offers to furnish a degree as defined herein or which furnishes or offers to furnish instruction leading toward, or prerequisite to, an academic degree beyond the secondary level and which requires that, in order to obtain a degree or diploma, the recipient thereof satisfactorily completes appropriate courses or classes or laboratory or research study in person or by correspondence. The following shall be excluded from this definition as it applies to the licensing and regulation requirements of this chapter:

(d) Classes or tutoring provided, operated, and entirely supported by an employer solely for his employees~~.~~, *provided however, no degree or diploma as hereinafter defined shall be awarded.*

(e) Classes or tutoring provided, operated, and supported by a recognized labor union beyond the basis level of instruction, or by a professional or fraternal organization, solely for the union's or organization's membership~~.~~, *provided however, no degree or diploma as hereinafter defined shall be awarded.*

(f) Colleges that offer instruction of an avocational or recreational nature that does not lead to an occupational objective~~.~~, *provided however, no degree or diploma as hereinafter defined shall be awarded.*

(g) "Colleges who credits and/or degrees are accepted for credit by at least three (3) accredited institutions of higher learning" shall mean those institutions who have notarized letters from appropriate officials from colleges accredited by an accrediting agency recognized by the United States office of education or the state board of education stating the credits are accepted with no limitation of their full acceptance such as validation upon successful completion of a probationary period such as a quarter or semester of full time work.

(5) "Diploma" means a certificate, transcript, report, document, title of designation, mark, appellation, series of letters, numbers, or words which signifies, purports, or is generally taken to signify, attendance, progress, or satisfactory completion of the requirements or prerequisite of an academic degree~~.~~ *which may be used for any purpose whatsoever.*

(6) "Degree" means any acedemic or honorary title of designation, mark, appellation, series of letters, numbers, or words, such as, but not limited to, bachelors, masters, doctorate, or fellow, which signifies, purports, or is generally taken to signify satisfactory completion of the requirements of an academic, educational, or professional program of study beyond the secondary level or for a recognized title conferred for meritorious recognition and associate degree awarded by a community college or other institution in liberal arts ~~.~~ *which may be used for any purpose whatsoever.*

Section 2. Section 246.051, Florida statutes, is amended to read:

246.051 Administration by board.—The provisions of this chapter shall be administered by the board which in connection therewith has the power to prescribe and recommend to the state board of education minimum standards and rules and regulations as are required by this chapter or as it may find necessary to aid in carrying out the objectives and purposes of this chapter, ~~and~~ to execute such standards and rules and regulations as shall be adopted by the state board of education on the operation and establishment of nonpublic colleges as defined in this chapter~~.~~ *and to expend funds as necessary to assist in the enforcement of this chapter.*

Section 3. Subsection (1) of section 246.081, Florida statutes, is amended to read:

246.081 License required.—

(1) No nonpublic college shall continue operation or be established within the state after January 1, 1972, unless such school shall apply for, and obtain from the board, a license in the manner and form prescribed by the board. Any college in operation on January 1, 1972 which, within ten days therea ter, applies for such license shall be permitted to continue in operation until such license has been issued or has been denied by the board. *Upon receipt of approved articles of incorporation from the office of the secretary of state that purport to be for an institution of higher learning within the meaning and intent of this chapter, the newly formed corporation shall within sixty (60) days of such approval make an application to the board for a license as required by law. The approval of articles of incorporation by the office of the secretary of state shall not be deemed to be an authorization to engage in the operation of an institution of higher learning until such time as a license has been obtained from the board. Upon articles of incorporation being issued to an institution of higher learning, the secretary of state shall immediately furnish a copy of the articles of incorporation to the board.*

Section 4. Section 246.091, Florida statutes, is amended to read:

(Substantial rewording of section. See section 246.091, F.S., for present text.)

246.091 License period and renewal.—Each original license shall be permanent unless the licensee is found to be in violation or not in compliance with chapter 246, Florida statutes. An institution affected under this act may be granted a one year temporary or provisional license. Nothing in this act shall prevent the extension of such temporary or provisional licenses providing a good faith effort has been made by the college and agent. The burden of determining good faith effort shall rest with the board.

Section 5. If any word, phrase, sentence, paragraph or section of this act be found to be unconstitutional, such finding shall not affect any other part of this act.

Section 6. This act shall take effect immediately upon becoming law.

Amendment 1 to Amendment 1—Following subsection (6) insert the following:

(7) Credits earned at the Universities of Oxford and Cambridge of the nation of England shall be valid credits and shall be included in Section 1(g).

Renumber subsequent sections.

Amendment 2 to Amendment 1—Strike Section 6 and insert the following:

Section 6. Paragraph (g) is added to subsection (1) of chapter 246.021 of Florida Statutes to read:

(g) Colleges whose credits or degrees are accepted for credit by at least three accredited institutions of higher learning. "Colleges whose credits and/or degrees are accepted for credit by at least three (3) accredited institutions of higher learning" shall mean those institutions who have notarized letters from appropriate officials from colleges accredited by an accrediting agency recognized by the United States office of education or the state board of education, stating the credits are accepted with no limitation of their full acceptance such as validation upon successful completion of a probationary period such as a quarter or semester of full time work.

Section 7. This act shall take effect on becoming law.

Amendment 2—On page 1, Title, line 4-7, strike the entire title and insert:

AN act relating to the state board of independent colleges and universities; amending §246.021(1), (5), (6), 1972 Supplement to Florida Statutes, and §§246.051, 246.081(1), and 246.091, Florida Statutes; clarifying existing requirements for licensing of nonpublic colleges; providing a severability clause; relating to public colleges; adding paragraph (g) to subsection (1) of section 246.021, Florida Statutes; providing certain schools will be considered colleges; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motions by Senator Graham, the Senate refused to concur in House amendments 1 as amended and 2 to CS for SB 1312, and the House was requested to recede therefrom. The action of the Senate was certified to the House.

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

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

By Senator Peterson—

SB 1255—A bill to be entitled An act relating to tax on sales, use and other transactions; amending section 212.02, Florida Statutes, providing a definition for grower; providing an effective date.

Amendment 1—On page 1, line 6, insert the following: title amendment after the word "grower;"

amending subsections 212.08(4), 212.08(8), 212.08(9) and 212.-14(6), Florida Statutes, 1971, to clarify the exemption from tax of all fuel used in interstate commerce and statute of limitations on collection;

Amendment 2—On page 1, line 10, insert the following:

Section 1. Subsection 212.08(4) (8) and (9), Florida Statutes, 1971, is amended to read:

212.08 Sales, rental, storage, use tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution and the storage to be used or consumed in this state, of the following tangible personal property, are hereby specifically exempt from the tax imposed by this chapter.

(4) EXEMPTIONS, ITEMS BEARING OTHER EXCISE TAXES, ETC.—Also exempt are water (not exempting mineral water or carbonated water); all fuels used by a public or private utility, including municipal corporations and rural electric cooperative associations, in the generation of electric power or energy for sale; and motor fuels and special fuels on which a tax is imposed by chapter 206. All other fuels are taxable, except that those used *by vessels and vehicles which are licensed as common carriers by the Interstate Commerce Commission or by the Civil Aeronautics Board* to transport persons or property in interstate or foreign commerce are taxable only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier, during the previous fiscal year of the carrier, such ratio to be determined at the close of the carrier's fiscal year. This ratio shall be applied each month to the total purchases made in this state ~~by the carrier~~ of gasoline and other fuels to establish that portion of the total used and consumed in intrastate movement and subject to tax under this chapter. Alcoholic beverages and malt beverages are not exempt. The terms "alcoholic beverages" and "malt beverages" as used in this subsection shall have the same meaning ascribed to them in Sections 561.-01(4) and 563.01, respectively. It is determined by the legislature that the classification of alcoholic beverages made in this subsection for the purpose of extending the tax imposed by this chapter is reasonable and just, and it is intended that such tax be separate from, and in addition to, any other tax imposed on alcoholic beverages.

(8) PARTIAL EXEMPTIONS, VESSELS ENGAGED IN INTERSTATE OR FOREIGN COMMERCE.—All vessels *which are licensed as common carriers by the Interstate Commerce Commission* and parts thereof used to transport persons or property in interstate or foreign commerce shall be subject to the taxes imposed in this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier during the previous fiscal year. The ratio would be determined at the close of the carrier's fiscal year. This ratio *shall be* applied to the total purchases ~~by the carriers~~ of *such* vessels and parts thereof each month to establish that portion of the total used and consumed in intrastate movement and subject to the tax

at the applicable rate. Vessels *which are licensed as common carriers by the Interstate Commerce Commission* and parts thereof used to transport persons or property in interstate and foreign commerce are hereby determined to be susceptible to a distinct and separate classification for taxation under the provisions of this chapter.

(9) PARTIAL EXEMPTIONS, VEHICLES ENGAGED IN INTERSTATE OR FOREIGN COMMERCE.—Vehicles *which are licensed as common carriers by the Interstate Commerce Commission or by the Civil Aeronautics Board* and parts thereof used to transport persons or property in interstate or foreign commerce are subject to tax imposed in this chapter only to the extent provided herein. The basis of the tax shall be the ratio or intrastate mileage to interstate or foreign mileage traveled by the carrier during the previous fiscal year of the carrier, such ratio to be determined at the close of the carrier's fiscal year. This ratio shall be applied each month to the total purchases ~~by the carriers~~ of *such* vehicles and parts thereof which are used in Florida to establish that portion of the total used and consumed in intrastate movement and subject to tax under this chapter. *Vehicles which are licensed as common carriers by the Interstate Commerce Commission or by the Civil Aeronautics Board and parts thereof used to transport persons or property in interstate and foreign commerce are hereby determined to be susceptible to a distinct and separate classification for taxation under the provisions of this chapter.*

Section 2. Subsection 212.14(6), Florida Statutes, 1971, is amended to read:

212.14 Department's powers; hearings, subpoena; distress warrants; time for assessments.—

(Substantial rewording of 212.14(6), see subsection 212.14(6) of section 212.14, Florida Statutes, 1971, for present text.)

212.14(6) The amount of any tax imposed under this chapter may be determined and assessed within three years after the first day of the month following the date on which the tax becomes due and payable; provided however, this limitation shall be tolled by a request for inspection and examination of a dealer's books and records by the department within that period, in which event the period for which tax due may be determined and assessed shall be the three years immediately preceding the first day of the month in which a request for inspection and examination of the books and records has been made by the department.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motions by Senator Saunders, the Senate concurred in House amendments 1 and 2 to SB 1255.

SB 1255 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—35

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

Nays—None

By unanimous consent Senators Smathers and Johnston were 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 refused to recede from House amendments to—

By Senator de la Parte—

SB 390—A bill to be entitled An Act relating to community colleges; amending Section 230.767(3), Florida Statutes; providing alternate procedures for determining the annual apportionment to community colleges with declining enrollments; providing an effective date.

Amendment 1—On page 1, line 25, strike all of line 25 and insert the following:

Section 2. Chapter 230, Florida Statutes, is amended by creating a new section 230.777 to read:

230.777 Community College Fixed Capital Outlay Trust Fund Created.

(1) There is hereby created a community college fixed capital outlay trust fund to be administered by the department of education in accordance with policies and regulations to be established by the state board of education.

(2) Each public community college shall collect from each student a fee of $.60 for each semester hour or semester hour equivalent or $.40 for each quarter hour or quarter hour equivalent of registration, to be used for fixed capital outlay purposes. Such fees shall be paid into the community college fixed capital outlay trust fund and administered in accordance with policies and regulations established by the state board of education.

(3) The amount of $2,100,000 is appropriated from the community college fixed capital outlay trust fund for fixed capital outlay projects at public community colleges. These funds shall be allocated by the state board of education to the boards of trustees for the named community colleges listed below. Upon request of a board of trustees and after approval of such request by the department of administration, the comptroller shall disburse the approved amount to be deposited to the credit of each community college construction fund: Brevard Community College, Broward Community College, Central Florida Community College, Chipola Junior College, Daytona Beach Community College, Edison Community College, Florida Junior College at Jacksonville, Florida Keys Community College, Gulf Coast Community College, Hillsborough Community College, Indian River Community College, Lake City Community College, Lake-Sumter Community College, Manatee Junior College, Miami-Dade Junior College, North Florida Junior College, Okaloosa-Walton Junior College, Palm Beach Junior College, Pasco-Hernando Community College, Pensacola Junior College, Polk Community College, St. Johns River Junior College, St. Petersburg Junior College, Santa Fee Community College, Seminole *Junior College, South Florida Junior College, Tallahassee Community College, Valencia Community College.*

Section 3. To be eligible for an allocation from the community college fixed capital outlay trust fund a community college district board of trustees shall have requested use of its current maximum eligibility of bonded indebtedness as authorized under the provisions of Article XII, section 9, of the Florida Constitution of 1968 as amended except where the current available funding capacity does not warrant issuance of bonds.

Section 4. This act shall take effect beginning July 1, 1973.

Amendment 2—On page 1, in title, lines 8-9, strike providing an effective date. and insert the following:

amending Chapter 230, Florida Statutes, by adding section 230.777; creating a community college fixed capital outlay trust fund, appropriating funds for fixed capital outlay expenditures in community colleges; providing an effective date.

—and again requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motions by Senator Graham, the Senate again refused to concur in House amendments 1 and 2 to SB 390, and the House was requested to recede therefrom. The action of the Senate was certified to the House.

On motion by Senator Sims, CS for HB 1 was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

Senate Bills 313, 1057 and 1055 were laid on the table.

SPECIAL ORDER

SB 1261 was taken up and on motion by Senator Johnson—

HB 1845—A bill to be entitled An act relating to grand juries; creating chapter 906, Florida Statutes; authorizing the empaneling of grand juries with statewide jurisdiction; authorizing the governor, with the approval of the supreme court, to designate state attorneys to serve as legal advisors to statewide grand juries; providing for the selection of statewide grand jurors; providing for the return of indictments and presentments by statewide grand juries; providing for judicial supervison; providing an appropriation for the purpose of this act; providing an effective date.

—a companion measure was substituted therefor and by two-thirds vote read the second time by title.

Senators Brantley, Poston and Deeb offered the following amendments which were adopted on motions by Senator Brantley:

Amendment 1—On page 4, strike all of line 18 and insert: of twenty-five ($25.00) dollars per day.

Amendment 2—On page 1, of House Amendment 9, strike the last two sentences

On motion by Senator Johnson, by two-thirds vote HB 1845 as amended was read the third time by title and passed. The vote was:

Yeas—27

Barron	Gillespie	Myers	Stolzenburg
Brantley	Graham	Peterson	Sykes
Childers	Gruber	Pettigrew	Vogt
Deeb	Henderson	Plante	Ware
de la Parte	Johnson	Poston	Wilson
Firestone	Lane (31st)	Scarborough	Winn
Gallen	McClain	Sims	

Nays—3

Gordon	Lewis	Zinkil

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

The bill with amendments was delivered to the engrossing clerk.

SB 1261 was laid on the table.

HB 1491—A bill to be entitled An act relating to energy policies in Florida; providing for the creation of the Florida Energy Committee; providing for membership, a chairman, duties and functions of the committee; providing powers of subpoena; providing a legislative intent; allowing the acceptance of funds, grants, gifts, and services; providing an appropriation; providing an effective date and a date for repeal.

—was read the second time by title.

On motion by Senator Plante the following amendment was adopted:

Amendment 1—On pages 5 and 6, line 26-29, line 1, page 6 strike all of subsection (1) and renumber subsequent subsection

On motion by Senator Firestone, by two-thirds vote HB 1491 as amended was read the third time by title and passed. The vote was:

Yeas—27

Barron	Glisson	Lewis	Trask
Brantley	Gordon	McClain	Vogt
Childers	Graham	Myers	Ware
Deeb	Gruber	Plante	Wilson
de la Parte	Henderson	Poston	Winn
Firestone	Johnston	Sims	Zinkil
Gillespie	Lane (23rd)	Smathers	

Nays—5

Gallen	Peterson	Stolzenburg	Weber
Lane (31st)			

The bill with amendment was delivered to the engrossing clerk.

On motions by Senator Barron, CS for HB 233 was withdrawn from the Committees on Governmental Operations and Ways and Means by two-thirds vote and placed on the calendar.

On motions by Senator Barron, CS for HB's 914 and 915, and HB 1307 were withdrawn from the Committee on Rules and Calendar by two-thirds vote and placed on the calendar.

On motion by Senator Barron, HB 1713 was withdrawn from the Committee on Governmental Operations by two-thirds vote and placed on the calendar.

On motion by Senator Barron, HB 2070 was withdrawn from the Committee on Judiciary by two-thirds vote and placed on the calendar.

On motion by Senator Barron, by two-thirds vote CS for HB 231 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Barron, by two-thirds vote HB 941, CS for HB 231 and SB 858, inadvertently omitted from the special order calendar this day were placed on the special order calendar following SB 424.

Senator Firestone presiding.

SB 1294—A bill to be entitled An act relating to the security of the governor; amending chapter 23, part V, Florida Statutes, to establish responsibility for security of the governor within the department of law enforcement; providing for assignment of agents; providing for transfer of funds and property allocated for the security of the governor; repealing section 14.21, Florida Statutes; providing an effective date.

—was read the second time by title. On motion by Senator Lane (31st), by two-thirds vote SB 1294 was read the third time by title, passed and certified to the House. The vote was:

Yeas—27

Mr. President	Gillespie	McClain	Vogt
Brantley	Graham	Pettigrew	Ware
Childers	Gruber	Plante	Weber
Deeb	Henderson	Poston	Wilson
de la Parte	Johnson	Sims	Winn
Firestone	Lane (31st)	Stolzenburg	Zinkil
Gallen	Lewis	Sykes	

Nays—None

By unanimous consent Senators Johnston, Glisson and Smathers were recorded as voting yea.

HB 1006—A bill to be entitled An act relating to segregation of state funds; adding paragraph (d) to Subsection 215.32 (1), Florida Statutes; providing for the segregation of federal revenue sharing funds in the state treasury; amending Subsection 215.32 (2), Florida Statutes, by adding paragraph (d); defining source of funds to be included in the Federal Revenue Sharing Fund and the method of appropriation; providing an effective date.

—was read the second time by title. On motion by Senator de la Parte, by two-thirds vote HB 1006 was read the third time by title, passed and certified to the House. The vote was:

Yeas—28

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

Nays—None

SB 1136 was laid on the table.

CS for HB 1020—A bill to be entitled An act relating to local government; providing for powers of municipalities; providing for transfer of certain special acts to municipal ordinances and methods for repeal or amendment; providing for issuance of municipal bonds; providing for municipal taxation; authorizing ad valorem taxation pursuant to the state constitution; prohibiting special act or charter limitations on general grants of taxing power; repealing charter and special law limitations on taxing power authorized by the constitution or general law; providing for regulatory fees; providing for municipal public service taxes on purchase of electricity, metered or bottled gas, fuel oil or kerosene, water service, telephone and telegraph service and cable television service; providing exemptions and procedures; providing for municipal fiscal years, audit, appropriations and financial reporting; providing for extra-territorial powers for certain services and development planning; providing for eminent domain; providing for creation of a legislative committee on local government formation and boards thereof; granting the committee power to issue orders and subpoenas; prohibiting certain special acts; providing for transfer of certain existing sections to appropriate chapters; amending section 165.25, Florida Statutes; repealing chapters 165, 166, 167, 168, 169, 171, 172, 174, 176, 178, 180, 181, 183, and 184, Florida Statutes, and all existing sections thereof not otherwise transferred; providing legislative intent and purpose; providing severability; providing for liberal construction; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendment which was adopted on motion by Senator Ware:

Amendment 1—On page 2, line 12, strike everything after the enacting clause, and insert:

Section 1. Chapter 166, Florida Statutes, and all sections thereof, as presently constituted, is hereby repealed and the following provisions are adopted in lieu thereof:

(Substantial rewording of chapter; see present chapter 166 for present text.)

CHAPTER 166

MUNICIPALITIES

PART I GENERAL PROVISIONS

166.011 Short title.—This chapter shall be known and may be cited as the "Municipal Home Rule Powers Act."

166.021 Municipalities; powers.—

(1) As provided in article VIII, section 2(b) of the state constitution, municipalities shall have the governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law.

(2) "Municipal purpose" means any activity or power which may be exercised by the state or its political subdivisions.

(3) The legislature recognizes that pursuant to the grant of power set forth in article VIII, section 2(b) of the state constitution, the municipal legislative body of each municipality does have the power to enact any legislation concerning any subject matter upon which the state legislature may act except:

(a) The subjects of annexation, merger and exercise of extra-territorial power which require general or special law pursuant to article VIII, section 2(c) of the state constitution;

(b) Any subject expressly prohibited by the constitution;

(c) Any subject expressly preempted to state or county government by the constitution or by general law; and

(d) Any subject preempted to a county pursuant to a county charter adopted under the authority of article VIII, sections 1(g), 3 and 6(e) of the state constitution.

(4) The provisions of this section shall be so construed as to secure for municipalities the broad exercise of home rule powers granted by the constitution. It is the further intent of the legislature to extend to municipalities the exercise of powers for municipal governmental, corporate or proprietary purposes not expressly prohibited by the constitution, general law or county charter, or by special law; and to remove any limitations, judicially imposed or otherwise, on the exercise of home rule powers other than those so expressly prohibited. Provided, however, that nothing in this act shall be construed to permit any changes in a special law or municipal charter which affect the exercise of extra-territorial powers or an area which includes lands within and without a municipality; or a special law or municipal charter which affect the creation or existence of a municipality, the terms of elected officers and the manner of their election, the distribution of powers among elected officers, matters prescribed by the charter relating to appointive boards, any change in the form of government, or any rights of municipal employees, without approval by referendum of the electors, as provided in section 166.031, Florida Statutes. Any other limitation of power upon any municipality contained in any municipal charter enacted or adopted prior to July 1, 1973, is hereby nullified and repealed.

(5) All existing special acts pertaining exclusively to the power or jurisdiction of a particular municipality except as otherwise provided in subsection (4) of this section shall become an ordinance of that municipality on the effective date of this act, subject to modification or repeal as other ordinances.

166.031 Municipalities; charter amendments.—

(1) The governing body of a municipality may, by ordinance, or the electors of a municipality may, by petition signed by ten percent (10%) of the registered electors, submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter, except that part describing the boundaries of such municipality. The governing body of the municipality shall place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election held within the municipality or at a special election called for such purpose.

(2) Upon adoption of an amendment to the charter of a municipality by a majority of the electors voting in a referendum upon such amendment, the governing body of said municipality shall have the amendment incorporated into the charter and shall file the revised charter with the department of state, at which time the revised charter shall take effect.

(3) A municipality may amend its charter pursuant to this section notwithstanding any charter provisions to the contrary. This section shall be supplemental to the provisions of all other laws relating to the amendment of municipal charters and is not intended to diminish any substantive or procedural power vested in any municipality by present law. A municipality may by ordinance without referendum redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the department of state pursuant to the provisions of subsection (2).

(4) There shall be no restrictions by the municipality on any employee's or employee group's political activity, while not working, on any referendum changing employee rights.

(5) A municipality may by unanimous vote of the governing body, abolish municipal departments provided for in the municipal charter and amend provisions or language out of the charter which has been judicially construed to be contrary to either the state or federal constitution.

166.032 Municipalities; electors.—Any person who is a resident of a municipality, who has qualified as an elector of this state, and who registers in the procedural manner prescribed by general law and ordinance of the municipality, shall be a qualified elector of the municipality.

166.041 Municipalities; procedures for adoption of ordinances and resolutions.—

(1) As used in this section the following words and terms shall have the following meanings unless some other meaning is plainly indicated:

(a) "Ordinance" means an official, legislative action of a governing body, which action is a regulation of a general and permanent nature and enforceable as a local law.

(b) "Resolution" means an expression of a governing body concerning matters of administration, expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the governing body.

(2) Each ordinance or resolution shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. The subject shall be clearly stated in the title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act, section, sub-section, or paragraph of a section or subsection.

(3)(a) A proposed ordinance may be read by title, or in full, on at least two separate days and shall, at least fourteen days prior to adoption, be noticed once in a newspaper of general circulation in the municipality. The notice of proposed enactment shall state the date, time, and place of the meeting, the title or titles of proposed ordinances and the place or places within the municipality where such proposed ordinances may be inspected by the public. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

(b) The governing body of a municipality with a two thirds vote may enact an emergency ordinance without complying with the requirements of paragraph (a) of this subsection.

(4) The majority of the members of the governing body shall constitute a quorum. The affirmative vote of the majority of a quorum present shall be necessary to enact any ordinance or adopt any resolution; provided that two-thirds (2/3) of the membership of the board is required to enact an emergency ordinance. On final passage, the vote of each member of the governing body voting shall be entered on the official record of the meeting. All ordinances or resolutions passed by the governing body shall become effective ten days after passage or as otherwise provided therein.

(5) Every ordinance or resolution shall, upon its final passage, be recorded in a book kept for that purpose, and shall be signed by the presiding officer and the clerk of the governing body.

(6) The procedure, as set forth herein, shall constitute a uniform method for adoption and enactment of municipal ordinances and resolutions and shall be taken as cumulative of other methods now provided by law for adoption and enactment of municipal ordinances and resolutions. By future ordinance or charter amendment, a municipality may specify other additional requirements for the adoption or enactment of ordinances or resolutions or prescribe procedures in greater detail than contained herein; provided, however, that a municipality shall not have the power or authority to lessen or reduce the requirements of this section or other requirements as provided by general law.

PART II. MUNICIPAL BORROWING

166.107 Definitions.—As used in this part the following words and terms shall have the following meanings unless some other meaning is plainly indicated:

(1) The term "bond" includes bonds, debentures, notes, certificates of indebtedness, mortgage certificates, or other obligations or evidences of indebtedness of any type or character.

(2) The term "general obligation bond" means bonds which are secured by or provide for their payment by the pledge, in addition to those special taxes levied for their discharge and such other sources as may be provided for their payment or pledged as security under the ordinance or resolution authorizing their issuance, of the full faith and credit and taxing power of the municipality, and for payment of which, recourse may be had against the general fund of the municipality.

(3) The term "ad valorem bond" means bonds which are payable from the proceeds of ad valorem taxes levied on real and tangible personal property.

(4) The term "revenue bond" means obligations of the municipality which are payable from revenues derived from sources other than ad valorem taxes on real or tangible personal property and which do not pledge the property, credit, or general tax revenue of the municipality.

(5) The term "improvement bond" means special obligations of the municipality which are payable solely from the proceeds of the special assessments levied for an assessable project.

(6) The term "refunding bond" means bonds issued to refinance outstanding bonds of any type and the interest and redemption premium thereon. Refunding bonds shall be issuable and payable in the same manner as the refinanced bonds, except that no approval by the electorate shall be required unless required by the state constitution.

(7) The term "governing body" means the council, commission or other board or body in which the general legislative powers of the municipality shall be vested.

(8) The term "project" means a governmental undertaking approved by the governing body and includes all property rights, easements and franchises relating thereto and deemed necessary or convenient for the construction or acquisition or the operation thereof, and embraces any capital expenditure which the governing body of the municipality shall deem to be made for a public purpose including the refunding of any bonded indebtedness which may be outstanding on any existing project which is to be improved by means of a new project.

166.111 Municipalities; authority to borrow.—The governing body of every municipality may borrow money, contract loans, and issue bonds as defined in section 166.101, Florida Statutes, from time to time to finance the undertaking of any capital or other project for the purposes permitted by the state constitution, and may pledge the funds, credit, property, and taxing power of the municipality for the payment of such debts and bonds.

166.121 Municipalities; issuance of bonds.—

(1) Bonds issued under this part shall be authorized by resolution or ordinance of the governing body and, if required by the state constitution, by affirmative vote of the electors of the municipality. Such bonds may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, with or without premium, be secured in such manner, and have such other characteristics, as may be provided by such resolution or ordinance, or trust indenture or mortgage issued pursuant thereto.

(2) The governing body of a municipality shall determine the terms and manner of sale and distribution or other dispositon of any and all bonds it may issue, and shall have any and all powers necessary or convenient to such disposition.

166.122 Municipalities; establishment of sinking funds.—The governing body of a municipality may establish and administer such sinking funds as it deems necessary or convenient for the payment, purchase, or redemption of any outstanding bonded indebtedness of the municipality.

166.131 Municipalities; levy of taxes for payment of debt.—The governing body of a municipality may levy ad valorem taxes upon real and tangible personal property within the municipality as it deems necessary to make payment, including principal and interest, upon the general obligation and ad valorem bonded indebtedness of the municipality, or into any sinking funds created under section 166.122, Florida Statutes.

166.141 Municipalities; full authority for issuance of bonds.—This part shall be full authority for the issuance of bonds authorized herein.

PART III MUNICIPAL FINANCE AND TAXATION

166.201 Municipalities; taxes and charges.—

A municipality may raise, by taxation and licenses authorized by the constitution or general law, and by user charges or fees, authorized by ordinance, amounts of money which are necessary for the conduct of municipal government, and may enforce their receipt and collection in the manner prescribed by ordinance not inconsistent with law.

166.211 Municipalities; ad valorem taxes.—

(1) Pursuant to article VII, section 9 of the state constitution, a municipality is hereby authorized, in a manner not inconsistent with general law, to levy ad valorem taxes on real and tangible personal property within the municipality in an amount not to exceed ten (10) mills, exclusive of taxes levied for the payment of bonds and taxes levied for periods of not longer than two years and approved by a vote of the electors.

(2) Assessment and collection of municipal ad valorem taxes shall be performed by appropriate officers as prescribed by general law. At any time millage rates are published for the purpose of giving notice, the rates shall be stated in terms of dollars and cents for every thousand dollars of assessed property value.

166.221 Municipalities; regulatory fees.—A muncipality may levy reasonable business, professional and ocupational regulatory fees, commensurate with the cost of the regulatory activity including consumer protection, on such classes of businesses, professions and occupations whose regulation has not been preempted by the state or a county pursuant to a county charter.

166.231 Municipalities; public service tax.—

(1) A municipality may levy a tax on the purchase of electricity, metered or bottled gas (natural liquified petroleum gas or manufactured), water service, telephone service, telegraph service, and cable television service. The tax shall be only upon purchases within the municipality and shall not exceed ten (10) percent of the payments received by the seller of the taxable item from the purchaser for the purchase of such service.

(2) Competitive services to those above enumerated, as defined by ordinance, shall be taxed at the same rates.

(3) The purchase of natural gas or fuel oil by a public or private utility, either for resale or for use as fuel in the generation of electricity, or the purchase of fuel oil or kerosene for use as an aircraft engine fuel or propellant or for use in internal combustion engines, shall be exempt from taxation hereunder.

(4) A municipality may exempt from taxation hereunder, the purchase of the taxable items by the United States Government, the State of Florida, any other public body, as defined in section 1.01, Florida Statutes, and shall exempt any recognized church in this state for use exclusively for church purposes.

(5) The tax authorized hereunder shall be collected by the seller of the taxable item from the purchaser at the time of the payment for such service. The seller shall remit the taxes collected to the municipality in the manner prescribed by ordinance.

(6) A municipality shall notify in writing any known seller of items taxable hereunder of any change in the boundaries of the municipality or in the rate of taxation.

166.241 Municipalities; fiscal years, financial reports and appropriations and audits.—

(1) Each municipality shall report its finances annually as provided by general law.

(2) Each municipality shall make provision for establishing a fiscal year beginning October 1 of each year and ending September 30 of the following year.

(3) The governing body of each municipality shall make appropriations for each fiscal year which, in any one year, shall not exceed the amount to be received from taxation or other revenue sources. It shall be unlawful for any officer of a municipal government to draw money from the treasury except in pursuance of appropriation made by law.

(4) Each municipality shall make provision for annual post audit of its financial accounts in accordance with the rules of the auditor general. It is the legislative intent that the rules of the department impose substantially the same requirements as formerly contained in section 167.611, Florida Statutes.

PART IV EMINENT DOMAIN

166.401 Municipalities; right of eminent domain.—All municipalities in the state may exercise the right and power of eminent domain, that is, the right to appropriate property within the state, except state or federal, for the uses or purposes authorized pursuant to this part. The absolute fee simple title to all property so taken and acquired shall vest in such municipal corporation, unless the municipality seeks to condemn a particular right or estate in such property.

166.411 Eminent domain; uses or purposes.—Municipalities are authorized to exercise the power of eminent domain for the following uses or purposes:

(a) For the proper and efficient carrying into effect of any proposed scheme or plan of drainage, ditching, grading, filling, or other public improvements deemed necessary or expedient for the preservation of the public health, or for other good reason connected in any wise with the public welfare or the interests of the municipality and the people thereof;

(b) Over railroads, traction and street car lines, telephone and telegraph lines, all public and private streets and highways, drainage districts, bridge districts, school districts, or any other public or private lands whatsoever necessary to enable the accomplishment of purposes listed in section 180.06;

(c) for streets, lanes, alleys and ways;

(d) for public parks, squares and grounds;

(e) for drainage and for raising or filling in land in order to promote sanitation and healthfulness and for the taking of easements for the drainage of the land of one person over and through the land of another;

(f) for reclaiming and filling when lands are low and wet, or overflowed altogether or at times, and entirely or partly;

(g) for the abatement of any nuisance;

(h) for the use of water pipes and for sewerage and drainage purposes;

(i) for laying wires and conduits under ground; and

(j) for city buildings, waterworks, ponds and other municipal purposes, which shall be coextensive with the powers of the municipality exercising the right of eminent domain.

Section 2. Chapter 165, Florida Statutes, entitled Organization and Dissolution of Municipalities, and all sections thereof, as presently constituted, is hereby repealed and the following provisions are adopted in lieu thereof to read:

(Substantial rewording of chapter; see present chapter 165 for present text.)

CHAPTER 165

FORMATION OF LOCAL GOVERNMENTS

165.001 Short title.—This chapter shall be known and may be cited as the "Formation of Local Governments Act".

165.002 Purpose.—The purpose of this act is to set forth procedures for forming and adjusting boundaries of, including creation, incorporation, merger, annexation, detachment and dissolution, local governments in the state and to set forth criteria for identifying viable units of local governments so as to (1) allow orderly patterns of urban growth and land use; (2) assure adequate quality and quantity of local public services; (3) ensure financial integrity of units of local government; (4) eliminate or reduce avoidable and undesirable differentials in fiscal capacity among neighboring local governmental jurisdictions; and (5) promote equity in the financing of local government services.

165.011 Definitions.—The following terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Committee" means the Legislative Committee on Local Government Formation.

(2) "Local Board" means the assigned members of the committee and local representatives acting together as a single body.

(3) "Community" means the area within and surrounding a municipality or special district, which forms an economic and socially related region.

(4) "Local general purpose government" means a county, municipality or consolidated city-county government.

(5) "Municipality" means a municipality created pursuant to general or special law authorized or recognized pursuant to sections 2 or 6, article VIII, of the state constitution.

(6) "Special District" means a local unit of special government created pursuant to general or special law for the purposes of performing prescribed, specialized functions within limited boundaries, exclusive of those units of local special government formed by county or municipal government pursuant to their powers and governed by the governing body of such county or municipality.

(7) "County" means a political subdivision of the state established pursuant to article VIII, section 1 of the state constitution.

(8) "Metropolitan Area" means an area described as a "standard metropolitan statistical area" by the United States Bureau of Census.

(9) "State aid" means any monies authorized or appropriated by the legislature and allocated for support of any county or municipality, excluding any monies paid to any such unit in fullfillment of a specific contractual obligation between it and the state.

(10) "Formation" or "Boundary adjustment", which terms shall be synonymous and interchangeable, means any annexation, detachment, incorporation, creation, merger, or consolidation.

(11) "Incorporation" means the establishment of a municipality.

(12) "Creation" means the establishment of a special district.

(13) "Dissolution" means the dissolving of the corporate status of a municipality or special district.

(14) "Annexation" means the alteration of the boundaries of a municipality or special district to add territory.

(15) "Detachment" means the alteration of the boundaries of a municipality or special district to detach territory.

(16) "Merger" means the merging of two or more municipalities, two or more special districts or two or more counties, or portions thereof, or the merging of one or more municipalities and special districts, or portions thereof, with each other in any combination thereof.

(17) "Consolidation" means the consolidation of the government of a county and the government of one or more municipalities located therein.

(18) "Territory" means the area proposed to be merged, annexed, detached, or incorporated.

(19) "Contiguous" means territory which has extensive, although not always complete, contact, whether across a body of water or otherwise, with the adjoining jurisdiction proposing to merge or annex said territory.

165.021 Legislative committee on local government formation.—There is created a standing joint committee of the legislature designated the legislative committee on local government formation, composed of ten members as follows: five members of the senate, to be appointed by the president of the senate and five members of the house, to be appointed by the speaker of the house. The terms of members shall be for two years and shall run from the organization of one legislature to the organization of the next legislature. Vacancies occurring during the interim period shall be filled in the same manner as the original appointment. The members of the committee shall elect a chairman and a vice-chairman; provided, however, that the chairmanship shall be rotated every year between the senate and house of representatives.

165.031. Legislative committee on local government formation; powers and duties.—

(1) An affirmative vote by a majority of the committee present and voting is required to take action.

(2) The committee shall:

(a) adopt standards and procedures, consistent with the provisions of this act, for the initiation and evaluation of proposals for the incorporation, merger, consolidation, annexation, dissolution, or detachment of counties, municipalities and special districts;

(b) conduct studies of county, municipal and special district formation and boundary reorganization problems throughout the state;

(c) issue orders, when appropriate, requiring units of local government to submit, individually or jointly, a plan for boundary adjustment in conformance with guidelines set forth in such orders;

(d) initiate proceedings based on its own studies and findings for formation or boundary adjustment, and make preliminary rulings on petitions received for boundary adjustment, in accordance with section 165.051;

(e) establish a local board to rule on a formation or boundary adjustment case, in accordance with section 165.061;

(f) subpoena witnesses and documents or other materials as set forth in subsection (4); and

(g) submit each fiscal year a written report to the governor and legislature stating the number of proceedings initiated, the outcome of the proceedings, expenses incurred, its recommendations for legislation, and other pertinent information.

(3) The committee shall conduct studies relating to the need for, and the feasibility of boundary adjustments that will strengthen the capability of local governments to provide and maintain essential public services in a fiscally equitable manner. Factors to be studied may include demographic and land area characteristics, per capita assessed valuation, per capita tax burden in relation to per capita personal income, need for organized municipal services, topographic features, cost and adequacy of governmental services and controls, future needs for such services and controls, and the probable effect of alternative courses of action on the tax incidence, service quality, local governmental structure, growth, environmental development and other aspects of the community. Agencies and instrumentalities of the state shall furnish the committee with any available information and data which the committee may require for the conduct of its studies.

(4) The committee shall have the power to require the attendance of witnesses before it and to require the production of record and other data for its examination in the manner prescribed by section 11.143, Florida Statutes.

165.041 Data to be furnished by Department of Community Affairs.—

(1) On or before February 1 of each year, the department of community affairs, assisted by the comptroller and the departments of administration and revenue, shall report to the committee, with respect to each county and municipality in the state:

(a) Total population, as indicated by the last preceding federal census or other official state population estimate authorized by state law;

(b) Total equalized assessed valuation of taxable property, as indicated by the most recent official state sources of such data;

(c) Total revenues received by each county and municipality during its most recent fiscal year for which data are available, from (i) state aid, as defined in subsection 165.011(9), Florida Statutes, and (ii) from all local general revenue sources of each such unit, which for this purpose shall comprise all receipts, exclusive of amounts from borrowing, state aid, federal government grants-in-aid, federal revenue sharing or block grants, and any charges and earnings derived from and used in the operation of water supply, electric power, gas supply, transit system, or other proprietary activities.

(2) Within two months after receipt of the foregoing report from the department of community affairs, the committee shall publish a list, with supporting data, which identifies each county and municipality having any or all of the following characteristics:

(a) Counties with:

(i) A population of less than 5,000;

(ii) A ratio of total state aid received to total receipts from its own general revenue sources as identified in subsection (1)(c)(ii) of this section at least 50 percent greater than the corresponding average ratio for all county governments in the state.

(b) Municipalities with:

(i) A population of less than 10,000 if located wholly or mainly within a county whose population was more than 50 percent urban, as reported by the last official census of population or estimate thereof, or less than 500 if not wholly or mainly in such a county;

(ii) A ratio of state aid to total receipts from its own general revenue sources at least 50 percent (50%) greater than the corresponding average ratio for all municipal governments in the state;

(iii) A per capita amount of equalized assessed valuation of taxable property which varies by at least 50 percent (50%) from the average per capita amount of equalized assessed valuation of the entire county in which the municipality is located;

(iv) A per capita amount of personal income which varies by at least 50 percent (50%) from the average per capita amount of personal income of the entire county in which the municipality is located.

165.042 All state and local agencies to cooperate in administration of act.—The committee or any local board is empowered to call on any state, county, special district or municipal agency, department, bureau or board for any and all information or assistance which may, in its judgment, be of assistance in administering, or preparing for the administration of, this chapter, and such state, county, special district, or municipal agency, department, bureau, or board is hereby authorized, directed, and required to furnish such information or assistance.

165.051 Initiation of Proceedings; Formation and Boundary Adjustment.—

(1)(a) When, on the basis of its own studies or on the basis of the data submitted to it by the department of community affairs as required in section 165.041, the committee determines that formation or boundary adjustments are necessary to carry out the purposes of this act, the committee shall recommend to the local government a plan of boundary adjustment. Unless there is agreement by the governing bodies of the affected areas, after a public hearing with at least 7 days notice, then the committee shall recommend said plan to the next session of the legislature which shall either approve or disapprove, or alter, the boundary adjustment.

(b) The committee shall initiate proceedings for formation or boundary adjustments upon receipt of a petition from the governing body of an affected municipality or special district; the governing body of the county wherein the territory, or part of it, is located; ten percent (10%) of the registered voters in the territory; or the owners, resident or non-resident, of 25 percent (25%) of the assessed value of the real property in the territory.

(2)(a) A petition or plan must contain a statement of the formation or boundary adjustment proposed; a statement of the reasons for the proposed formation or boundary adjustment; an accurate map of every municipality, special district and territory involved; and a description of the character, land-use, and facilities of either the territory or, in the case of merger or dissolution, the municipalites, or special district involved; and procedures for putting into effect the proposed formation or boundary adjustment.

(b) The committee may combine petitions or plans which concern the same territory, or parts of it, or the same municipalities or special districts, if such a combination will not cause an unreasonable delay in the processing of the petitions or plans and will not substantially prejudice consideration of any proposals made therein.

(3)(a) Within a reasonable time after it receives a petition, the committee shall meet and make a preliminary ruling on whether to dismiss the petition. The committee may rule to dismiss the petition only if it finds that:

(i) The petition does not comply with the provisions of this section or the standards or procedures of the committee;

(ii) The request for formation or boundary adjustment is frivolous; or

(iii) Substantially the same formation or boundary adjustment has been disapproved by a local board within two years prior to the date the petition is received by the committee.

(b) If the petition is not dismissed, the committee shall notify those governing bodies required to appoint local representatives under section 165.061.

165.061 Local Formation Board; creation, powers and duties.—

(1) If a petition is not dismissed by the committee under section 165.051, a local board shall be established to rule on the formation or boundary adjustment proposed in the petition. The local board shall consist of three members of the committee and two or more local representatives appointed as follows:

(a) If the petition is for an incorporation, creation, annexation, detachment, or dissolution, the county commission shall appoint two residents of the territory affected, unless the petition affects a municipality in which case the county commission shall appoint one resident of the territory affected and the legislative body of the municipality shall appoint one resident of the municipality; and, if the petition concerns a territory located in two or more counties, the commissions of each county concerned shall appoint one resident of the territories affected.

(b) If the petition is for the merger of two or more municipalities, two or more special districts or one or more municipality and special district, the legislative body of each municipality or each special district concerned shall appoint one resident of that municipality or special district, respectively;

(c) If the petition is for the merger of two or more counties, the commissions of each county shall appoint one resident of that county;

(d) If the petition is for consolidation, the commission of the county and each municipality concerned shall appoint one resident of the county or municipality, respectively;

(e) If two or more petitions, none of which is for merger or consolidation, are combined under subsection 165.051(2), appointment shall be in accordance with (a) as if there were but one petition;

(f) If two or more petitions, all of which are for merger or consolidation, are combined under subsection 165.051(2), the legislative body of each county, municipality or special district proposed for merger or consolidation shall appoint one resident of that county, municipality or special district, respectively; and

(g) If a petition for merger or consolidation is combined under subsection 165.051(2) with one or more other petitions, at least one of which is for a formation or boundary adjustment other than merger or consolidation, the legislative body of each municipality or special district proposed for merger or consolidation shall appoint one resident of that municipality or special district, respectively, and the governing body of every county concerned shall also appoint local representatives as in (e);

(2)(a) A local representative shall be a resident of the county, municipality or district from which he is appointed and a registered voter eligible to vote in local elections.

(b) A local representative shall receive compensation for per diem, travel and other reasonable expenses for meetings, hearings, and other official business.

(3) The local board shall hold hearings as required in section 165.071; approve or disapprove petitions for formation or boundary adjustment; and make financial allocations, pursuant to section 165.084.

(4) The local board may amend a petition, prior to the day of approval by altering the shape and size of the territory.

(5)(a) Each committee member and each local representative has one vote; except that if there are more than two local representatives present at any meeting, each local representative shall have an equal fraction of a total of two votes unless a consolidation or merger is proposed.

(b) A quorum of two committee members and one local representative is required for the local board to act on substantive matters.

(c) After a hearing is completed pursuant to section 165.071, the local board shall decide whether to approve or disapprove the proposed formation or boundary adjustment and, if the formation or boundary adjustment is approved, what adoption procedure should be used and what financial allocations, if any, should be made.

(6) When a formation or boundary adjustment is approved, the local board shall determine the date on which the formation or boundary adjustment and financial allocations take effect. That date shall be not less than 90 days nor more than one year from the date on which the local board approves the boundary adjustment.

(7) The local board shall notify the committee and the clerks of the counties, municipalities, and special districts affected of its ruling. The ruling shall report the vote of each member of the local board, an explanation of the decision on the formation or boundary adjustment, and, if a petition or plan is approved, an accurate map of every municipality, special district and territory involved, the financial allocations made, the method for adoption and the effective date of the formation or boundary adjustment.

165.062 Committee; alternative proceedings.—

(1) Upon receipt of notification of approval by the local board of a formation or boundary adjustment, the committee shall initiate whatever proceeding designated within such approved plan necessary to put into effect the formation or boundary adjustment.

(2) The approved plan shall provide for one of the following methods:

(a) A charter for incorporation of a municipality shall be adopted by a special act of the legislature.

(b) A plan for creation of a special district, by charter or otherwise, may be adopted either by a special act of the legislature, by resolution or ordinance of the governing body of a unit of general purpose government under whose jurisdiction the territory affected is located, by procedures established by general law or by a vote of the electors of the territory affected;

(c) A plan for dissolution of a municipality or special district may be adopted either by a special act of the legislature or by resolution or ordinance of the governing body of a unit of general purpose government under whose jurisdiction the territory affected would be located if such plan be adopted;

(d) A plan for annexation may be adopted either by a special act of the legislature, or by an ordinance of the governing body of a municipality proposing to annex approved by a vote of the electors voting of the territory to be annexed, or by a separate vote approved by a majority of the electors voting of the territory to be annexed and a separate vote approved by a majority of the electors voting of the municipality or special district affected; with said elections held simultaneously;

(e) A plan for detachment may be adopted either by a special act of the legislature or by resolution or ordinance of the governing body of each of the units of local government affected;

(f) A plan for merger may be adopted either by special act of the legislature or amendment to the general laws of the state or, if no amendment to the general laws of the state is necessary, by separate approval of a majority of the electors voting in separate elections held in each governmental unit affected; and, prior to the adoption of a legislative act merging two or more municipalities, an election shall be held within the municipalities affected with the results reported to the legislature;

(g) A plan for incorporation, creation, dissolution, annexation, detachment or merger, if no amendment to the general laws of the state is necessary, affecting any governmental unit within the boundaries of Dade County shall be adopted pursuant to the method established by the home rule charter established pursuant to article VIII, section (6)(e) of the constitution; or

(h) A plan for consolidation may be adopted only by special law approved either by vote of the electors of the county or by vote of the electors of the county and municipalities affected.

(3) If a special law or amendment to the general laws of the state is required, the committee shall notify the president of the senate, the speaker of the house of representatives, the chairmen of the committees with jurisdiction over the subject of the proposed laws in the respective houses and all members of the legislature from the territory affected by the approved plan, including copies of any proposed legislation.

(4) If a vote of the electors is required, the committee shall notify the appropriate officials, including the clerk, of the governing body affected.

165.063 Minor annexations by municipalities; special proceedings authorized.—

(1) The owner or owners of real property in an unincorporated area of a county may petition a municipality within that county for annexation to said municipality.

(2) The municipal governing body, upon determining that said petition contains the signatures of all owners of real property in the area proposed to be annexed and that the standards provided in section 165.081 have been met, may adopt an ordinance to annex said property and redefine the boundary lines of the municipality to include said area. Such ordinances shall follow the publication procedure stated in paragraph 166.041 (3)(a) and, upon adoption, shall be filed with the clerk of the circuit court of the county in which the territory is located and the secretary of state.

(3) If the real property was subject to county zoning or subdivision regulations, said regulations shall remain in full force and effect until otherwise provided by law.

165.064 Dissolution of certain municipalities and special districts; special proceedings authorized.—

(1) The governor may, by proclamation, declare inactive any municipality or special district in this state upon a report filed by the committee which shall show that such municipality or special district is no longer active based upon a finding:

(a) that the municipality has not conducted an election for membership in its legislative body within the four years immediately preceding or as otherwise provided by law;

(b) that the special district has not had appointed or elected a governing body within the four years immediately preceding or as otherwise provided by law or has not operated within the two years immediately preceding;

(c) that a notice of the proposed proclamation has been published once a week for four weeks in a newspaper of general circulation within the county wherein the territory of the municipality or special district is located stating the name of said municipality or special district, the law under which it was organized and operating, a general description of the territory included in said municipality and that any objections to the proposed proclamation or any debts of said municipality shall be filed not later than sixty days following the date of last publication with the committee; and

(d) that sixty days have elapsed from the last publication date of the notice of proposed proclamation and no sustained objections have been filed.

(2) The state agency charged with collecting financial information from municipalities and special districts shall report to the governor and the committee any municipality or special district which has failed to file a report within the prescribed time set by law.

(3) If any municipality or special district declared inactive pursuant to this section shall owe any debt at the time of the proclamation, any property or assets of such municipality or which belonged thereto at the time of such dissolution shall be subject to legal process for payment of such debt. After the payment of all the debts of said inactive municipal or special district corporation, the balance shall escheat to the general fund of the county wherein located. If, however, it shall be necessary in order to pay any such debt, to levy any tax or taxes on the property in the territory or limits of the inactive municipality or special district, the same may be assessed and levied by order of the county commissioners of the county

wherein the same is situated and shall be assessed by the county assessor of taxes and be collected by the county tax collector. The proceedings in the assessment, collection, receipt and disbursements of such taxes shall be like the proceedings concerning county taxes as far as applicable.

(4) Any special law authorizing the incorporation, creation, or relating only to the powers or duties of any municipality or special district proclaimed inactive hereunder shall be reported by the governor to the presiding officers of both houses of the legislature. The proclamation of inactive status shall be sufficient notice as required by article III, section 10 of the state constitution to authorize the legislature to repeal any special laws so reported.

165.065 Special laws prohibited.—Pursuant to subparagraph 11(a)(21), article III of the state constitution, the legislature hereby prohibits special laws pertaining to formation or boundary adjustments of municipalities and special districts in this state unless it is determined that the procedure, as provided herein, has been followed; provided that if this act fails to pass by the requisite vote to effectuate this section, this section 165.065 shall become null and void and the statutory revision service of the legislative service bureau is instructed to delete such from its biennial compilation.

165.071 Local Formation Board; hearings.—

(1) The local board shall conduct a hearing within 90 days from the date on which a petition is received by the committee, but if two or more petitions are combined under subsection 165.051(2), the 90 day period begins on the day of the receipt of the last of the petitions. At least 30 days before the commencement of the hearing, the committee shall give notice of the time and place to each governmental entity involved; to each planning body that has jurisdiction in a governmental entity involved; and to the public.

(2) At the hearing the local board shall receive all information, written or oral, that is relevant to the resolution of the questions before the local board; and shall seek all information, written or oral, that the local board believes will be useful to the resolution of the questions before the local board. If the local board so requests, the committee may subpoena witnesses and documents relevant to these questions pursuant to section 165.031, Florida Statutes.

(3) If the local board amends a petition, the local board shall give notice of the amendment to each of the parties and the committee. If any person informs the local board or the committee within seven days from the date notice is given, of his desire to present information relevant to the amendment, the committee or local board may reopen the hearing, within a reasonable time, to receive that information.

165.081 Standards for Formation and Boundary Adjustments.—(1) The local board shall approve a proposed formation or boundary adjustment only if the proposal is for the type of adjustment that is more beneficial to the community than are other available alternatives.

(2) The local board shall approve a proposed annexation only if:

(a) The present or probable future character of the territory is urban;

(b) The municipality or special district is able to provide municipal services to the annexed territory within twelve months after annexation; and

(c) The territory is compact and contiguous to the municipality or special district. Road rights-of-way, utility easements or railroad rights-of-way shall not be annexed in a corridor fashion to gain contiguity.

(3) The local board shall approve a proposed detachment only if the territory, after detachment, is not substantially surrounded by the municipality or the special district.

(4) The local board shall approve a proposed municipal incorporation or special district creation only if the territory is amenable to separate municipal government or, in the case of a special district, is appropriate for the establishment of special functions; and if the proposed municipality or special district will be able to provide necessary services within a reasonable time or if the county is demonstrably unable to perform required governmental services.

(5) The local board shall approve a proposed merger only if the local units of government to be merged are contiguous or adjacent and, in either case, shall provide for an equitable arrangement in relation to bonded indebtedness and the status and pension rights of employees of each governmental unit.

(6) The local board shall approve a proposed dissolution only if the county or another municipality is demonstrably able to provide necessary services to the municipality or special district being dissolved; and if the municipality to be dissolved will not be substantially surrounded by other municipalities.

165.082 Criteria for Applying Standards.—

(1) In determining whether the standards for a proposed boundary adjustment have been met, the local board shall consider, but is not limited to the consideration of, the following criteria:

(a) The effect of the proposed adjustment on population growth and on the assessed valuation of the real property in any affected unit of government or territory;

(b) Topography and other physical characteristics of the geographical area involved;

(c) The extent to which any affected territory, municipality, or special district, is interdependent with others that are affected by the proposal;

(d) The effect of the proposed adjustment upon the governmental operations of a municipality or special district;

(e) The need for governmental services;

(f) The extent to which municipal or special district services are, or will be, commensurate or incommensurate, with taxes and other charges;

(g) Whether the present and probable future character of the area or areas affected by the proposal is urban, suburban, or rural;

(h) The likelihood that the residents of any affected area will receive proper governmental services; and

(i) Land-use plans that pertain to any governmental unit or area involved.

(2) If annexation is proposed, the local board shall also consider:

(a) The ability of a county receiving revenue from the territory to be annexed to finance its governmental operations if revenue will be lost when the territory is annexed; and

(b) The ability of the municipality or special district to assume a share of the existing indebtedness or other financial allocation, as provided for in subsection 165.084(1).

(3) If detachment is proposed, the local board shall also consider:

(a) The ability of a municipality or special district to finance its governmental operations without the revenues which will be lost when territory is detached;

(b) The equity of such proposal in terms of local fiscal ability and tax effort; and

(c) The ability of the receiving unit of government to assume a share related to that area of the existing indebtedness and property of the municipality or special district from which an area is detached.

(4) If municipal incorporation or special district creation is proposed, the local board shall also consider:

(a) The effect upon the ability of the part of a county that survives a municipal incorporation or special district creation to finance its governmental operation without the revenues which would be lost if the territory is incorporated;

(b) The adequacy of the county form of government to cope with the problems of the territory; and

(c) The ability of the territory to assume a share related to that area of the existing indebtedness and property of the county in which the municipal incorporation or special district creation is proposed.

(5) If a petition proposes municipal incorporation or special district creation of a territory any part of which is closer than two miles to an incorporated city, the commission, before ruling on the petition, shall consider whether it should initiate proceedings for the annexation of the territory to that city.

(6) If dissolution is proposed, the local board shall also consider:

(a) The deviation of the municipality or special district to be dissolved from the norm within the community in the per capita cost of providing public services;

(b) The deviation from the norm within the community in the ratio of assessed valuation or personal income to the number of residents; and

(c) The ability of the receiving unit of government to assume its share of the existing indebtedness.

165.083 County Boundaries Not a Barrier.—County boundaries are not a barrier to any type of boundary adjustment authorized by this act.

165.084 Financial Allocations.—

(1) If an annexation or incorporation of a municipality or an annexation or creation of a special district is approved, the local board shall determine what portion, if any, of the existing indebtedness or property of the counties receiving revenue from the territory shall be assumed by the municipality or special district, the fair value of such, and the manner of transfer, if any, and financing. No municipality or special district may be required to assume indebtedness of a county if that county collects revenues at the same rate throughout the county regardless of municipal or special district boundaries.

(2) If a detachment is approved, the local board shall determine what portion, if any, of the existing indebtedness or property of the municipality or special district shall be assumed by each county of which the detached territory will become a part, the fair value of such, and the manner of transfer and financing.

(3) If a merger or consolidation is approved, the government formed by the merger or consolidation shall assume all indebtedness of, and receive title to all property owned by the pre-existing county, municipality or special district governments. The local board shall determine the proper allocation of the indebtedness so assumed and the manner in which said debt shall be retired.

(4) If a dissolution is approved, the county shall assume all indebtedness of, and receive title to, all property owned by the pre-existing municipal or special district government. The local board shall determine the proper allocation of the indebtedness so assumed and the manner in which said debt shall be retired.

165.091 Judicial Review.—All final decisions of a local board and any dismissal of petitions shall be reviewable by certiorari pursuant to the provisions of section 120.31, Florida Statutes. No appeal may be brought after the effective date of the formation or boundary adjustment.

Section 3. (1) Section 166.16, Florida Statutes, relating to suspension of municipal officers, is transferred to chapter 112, Florida Statutes, and shall become section 112.51.

(2) Sections 167.433 through 167.4391, Florida Statutes, inclusive, relating to assessment and collection of municipal ad valorem taxes, are transferred to chapter 195, Florida Statutes, and shall become sections 195.201 through 195.207, respectively.

(3) Section 168.031, Florida Statutes, relating to abolition of municipal courts, is transferred to chapter 34, Florida Statutes, and shall become section 34.192.

(4) Section 180.24, Florida Statutes, relating to public bidding on certain construction contracts, is transferred to chapter 255, Florida Statutes, and shall become section 255.26.

Section 4. Section 165.25, Florida Statutes, is transferred to chapter 121, Florida Statutes, to become section 121.20, Florida Statutes, and is amended to read:

~~165.25~~ *121.20* Voluntary retirement with half pay authorized for elective officers of cities or towns; appropriation.—

(1) The intent of the Legislature is to authorize and direct each city and town to provide a system of retirement for elected officials but it is further the intent that each city or town may determine whether the system shall be contributory or non-contributory.

(2) From and after June 3, 1939, whenever any elective officer of any city or town of this state has held any elective offices of such city or town for a period of twenty years or more consecutively, or for a period of twenty years or more consecutively except for one period not exceeding six months, such elective officer may voluntarily resign or retire from such elective office with the right to be paid, and he shall be paid on his own requisition, by such city or town, during the remainder of his natural life, a sum equal to one half of the full amount of the annual or monthly salary that such city or town was authorized by law to pay said elective officer at the time of his resignation or retirement; and such city and town shall appropriate and provide in its annual budget sufficient moneys to meet the requirements of this section *where no other plan is available for elected local officials.* In cases where an elective officer during any term of office entered or enters and served or serves in the armed forces of the United States during any period during which the United States was or shall be engaged in war and thereafter was or shall be appointed or again elected to the same elective office prior to discharge from such service in the armed forces, such time of service in the armed forces shall not be construed to be a break in consecutive service and shall be counted in determining the years of consecutive service of such elective officer.

(3) Each city or town may, by ordinance, establish a contributory retirement system for those officials defined in (2). The rules for participation, the amount of the official's contributions, and the method of appropriation and payment may be determined by ordinance of the city or town.

Section 5. (1) Except as otherwise provided in sections 3 and 4, the following enumerated chapters of Florida Statutes, and all sections thereof as presently constituted, relating to powers of local officials, are repealed:

chapter 167 (sections 167.005 through 167.78, inclusive);
chapter 168 (sections 168.01 through 168.18, inclusive);
chapter 169 (sections 169.01 through 169.15, inclusive);
chapter 171 (sections 171.01 through 171.16, inclusive);
chapter 172 (sections 172.01 through 172.15, inclusive);
chapter 174 (sections 174.01 through 174.26, inclusive);
chapter 176 (sections 176.01 through 176.24, inclusive);
chapter 178 (sections 178.01 through 178.08, inclusive);
chapter 181 (sections 181.01 through 181.16, inclusive);
chapter 183 (sections 183.01 through 183.16, inclusive);
chapter 184 (sections 184.01 through 184.21, inclusive).

(2) It is the legislative intent that the repeal of the foregoing chapters of Florida Statutes shall not be interpreted to limit or restrict the powers of municipal officials, but shall be interpreted as a recognition of constitutional powers. It is, further, the legislative intent to recognize residual constitutional home rule powers in municipal government and the legislature finds that this can best be accomplished by the removal of legislative direction from the statutes. It is, further, the legislative intent that municipalities shall continue to exercise all powers heretofore conferred on municipalities by the chapters enumerated above, but shall hereafter exercise those powers at their own discretion, subject only to the terms and conditions which they choose to prescribe.

(3) Nothing contained in this section shall be interpreted to impair any claim against a municipality or to affect the validity of any bonds or obligations issued under authority of any of the chapters enumerated above.

Section 6. If any section, subsection, sentence, clause, phrase or word of this act is for any reason held or declared to be unconstitutional, invalid, inoperative, ineffective, inapplicable or void, such invalidity or unconstitutionality shall not be construed to affect the portions of this act not so held to be unconstitutional, void, invalid, or ineffective, or affect the application of this act to other circumstances not so held to be invalid, it being hereby declared to be the expressed legislative intent that any such unconstitutional, illegal, invalid, ineffective, inapplicable or void portion or portions of this act did not induce its passage, and that without the inclusion of any such unconstitutional, illegal, invalid, ineffective or void portions of this act, the legislature would have enacted the valid and

constitutional portions thereof. It is the legislative intent that this act shall be liberally construed in order to effectively carry out the provisions of this act.

Section 7. This act shall take effect October 1, 1973.

On motions by Senator Ware the following amendments were adopted:

Amendment 2—On pages 14—36, strike all of pages 14 through 35 inclusive, and strike all of lines 1 through 22 inclusive on page 36, and strike all of Section 2. on said pages and lines, And re-number the succeeding sections. And on page 38, strike "3 and 4" and insert: 2 and 3

Amendment 3—On page 38, line 26, strike all of line 26

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

Amendment 4—On page 3, line 2 strike "the period" and insert: ", except the power to control wages, prices or rents in the private sector."

On motion by Senator Pettigrew the following amendment was adopted:

Amendment 5—On page 12, line 9, after the period (.) strike: all lines 9 through 12 and insert It is the legislative intent that the rules of the auditor general impose substantially the same requirements as formerly contained in section 167.611, Florida Statutes.

The Committee on Governmental Operations offered the following title amendment which was adopted on motion by Senator Ware:

Amendment 6—On page I, line 13, strike the title and insert: A bill to be entitled An act relating to local government; providing for powers of municipalities; providing for transfer of certain special acts to municipal ordinances and methods for repeal or amendment; providing for issuance of municipal bonds; providing for municipal taxation; authorizing ad valorem taxation pursuant to the state constitution; providing for regulatory fees; providing for municipal public service taxes on purchase of electricity, metered or bottled gas, water service, telephone and telegraph service, cable television service and competitive services; providing exemptions and procedures; providing for municipal fiscal years, audit, appropriations and financial reporting; providing for eminent domain; providing for creation of a legislative committee on local government formation and boards thereof; granting the committee power to issue orders and subpoenas; prohibiting certain special acts; providing for transfer of certain existing sections to appropriate chapters; amending section 165.25, Florida Statutes; repealing chapters 165, 166, 167, 168, 169, 171, 172, 174, 176, 178, 181, 183, and 184, Florida Statutes, and all existing sections thereof not otherwise transferred; providing legislative intent and purpose; providing severability; providing for liberal construction; providing an effective date.

On motions by Senator Ware the following amendments were adopted:

Amendment 7—In title amendment 6 strike: "171,"

Amendment 8—In title amendment 6 strike: "165,"

Amendment 9—In title amendment 6 following "eminent domain;" strike: "providing for creation of a legislative committee on local government formation and boards thereof; granting the committee power to issue orders and subpoenas;"

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

Amendment 10—On page 10, line 24, after "water service," insert: sewer service,

On motions by Senator Pettigrew the following amendments were adopted:

Amendment 11—On page 14, line 1 Section 2. Subsection (4) of section 171.16, Florida Statutes, 1972 Supplement, as created by section 1 of chapter 72-2, Laws of Florida, is amended to read:

171.16 Supplemental procedure for annexation.—

(4) The method of annexation provided by this section shall be supplemental to any other procedure provided by general or special law, *except that this section shall not apply to municipalities in counties with charters which provide for an exclusive method of municipal annexation.*

and renumber

Amendment 12—On page 2, line 7, after the semi-colon insert: amending §171.16(4), Florida Statutes, 1972 Supplement, as created by §1, chapter 72-2, Laws of Florida, providing for nonapplicability in counties which provide for an exclusive method of annexation;

The President Pro Tempore presiding.

On motion by Senator Ware, by two-thirds vote CS for HB 1020 as amended was read the third time by title and passed. The vote was:

Yeas—35

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

Nays—2

Childers Johnston

The bill with amendments was delivered to the engrossing clerk.

CS for HB 233—A bill to be entitled An act relating to pollution control, providing statewide enforcement jurisdiction for the department of pollution control; providing for state enforcement of stricter local laws; providing for violations of stricter local laws; providing for local enforcement; providing for cooperation; amending subsection (6) of section 403.182 and creating new subsections (7), (8) and (9) of section 403.182, Florida Statutes; repealing subsection (5) of section 20.26, Florida Statutes, relating to the jurisdiction of the department; providing an effective date.

—was read the second time by title.

On motion by Senator Pettigrew the following amendment was adopted:

Amendment 1—On page 3, lines 18 and 19, strike "Section 4. This act shall take effect on October 1, 1973." and insert: Section 4. Section 403.1834(3), Florida Statutes, is amended to read:

403.1834 State bonds to finance facilities.—

(3) The amount of state bonds to be issued shall be determined by the division of bond finance of the department of general services. However, the total principal amount issued shall not exceed ~~one~~ *two* hundred million dollars in any state fiscal year.

Section 5. This act shall take effect on October 1, 1973.

Senator Deeb moved the adoption of the following amendment:

Amendment 2—On page 1, line 25, strike "everything after the enacting clause" and insert:

Section 1. Legislative intent.—

(1) It is the policy of the state of Florida, as enunciated in Article II, Section 7, of the Florida Constitution, to conserve and protect the natural resources and scenic beauty of the state and to make adequate provisions by law for the abatement of air and water pollution. In furtherance of this state policy, the legislature has heretofore enacted Chapter 403, Florida Statutes, creating the state department of pollution control, and has vested it with broad powers and authority to effectively

abate sources of air and water pollution. However, the legislature finds that the duties of the department can best be carried out and its salutary purposes best achieved by concentrating its efforts into a cohesive, uniform program of abatement of sources of air and water pollution, operating uniformly throughout the state under the laws of the state of Florida and rules and regulations promulgated according to law by the state department of pollution control and applicable on a statewide basis.

(2) In order to bring about the desired uniformity in application and enforcement of laws, rules and regulations regarding abatement of sources of air and water pollution, the legislature finds it necessary to amend Chapter 403 so as to limit the regulatory and enforcement powers of local pollution control programs to the enforcement of the state law and rules and regulations promulgated by the state department of polluton control.

Section 2. Sub-subsection (b) of subsection (5) of Section 403.088, Florida Statutes (1971), is repealed.

Section 3. Sub-subsection (b) of subsection (1) of Section 403.182, Florida Statutes (1971), is amended to read:

(b) Provide by ordinance, regulation, or local law for requirements *identical to* ~~compatible with, or stricter or more extensive than~~ those imposed by this act and regulations issued thereunder.

Section 4. Subsection (6) of Section 403.182, Florida Statutes (1971), is amended to read:

(6) In exercising its powers, duties and functions the department of pollution control *and all rules and regulations adopted by it pursuant to law shall supersede all municipal or county pollution laws, regulations, ordinances and requirements in the affected jurisdiction which may differ from the state law or state rules and regulations.* ~~shall have no jurisdiction over local acts of a stricter or more stringent nature.~~

Section 5. This act shall take effect July 1, 1973.

On motion by Senator Lane (31st), by two-thirds vote debate on all pending amendments and final passage of CS for HB 233 was limited to 5 minutes per side.

Amendment 2 failed. The vote was:

Yeas—9

Brantley	Peterson	Trask	Zinkil
Deeb	Poston	Weber	
Myers	Sims		

Nays—24

Barron	Glisson	Lane (31st)	Stolzenburg
Childers	Gordon	Lane (23rd)	Sykes
de la Parte	Graham	Lewis	Vogt
Firestone	Gruber	McClain	Ware
Gallen	Henderson	Pettigrew	Wilson
Gillespie	Johnson	Smathers	Winn

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

Amendment 3—On page 1, line 19, insert: amending section 403.1834, Florida Statutes, to provide a $200 million limit on bonds issued in any year

On motion by Senator Pettigrew, by two-thirds vote CS for HB 233 as amended was read the third time by title and passed. The vote was:

Yeas—33

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

Nays—None

By unanimous consent Senator Firestone was recorded as voting yea.

The bill with amendments was delivered to the engrossing clerk.

On motion by Senator Pettigrew, 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 Criminal Justice and Representative Shreve and others—

HB 2179—A bill to be entitled An act relating to criminal law; creating section 775.011, Florida Statutes, providing for title and applicability; creating section 775.012, Florida Statutes, providing for general purposes; creating section 775.021, Florida Statutes, providing for rules of construction; amending section 775.08, Florida Statutes, providing for classes and definitions of offenses; amending section 775.082, Florida Statutes, as amended by section 1 and 2, chapter 72-118, Laws of Florida, as further amended by section 2, chapter 72-724, Laws of Florida, providing for penalties; amending section 775.083, Florida Statutes, relating to fines; amending subsection (1) of section 775.084, Florida Statutes, relating to subsequent felony offenses; creating section 775.085, Florida Statutes, relating to extended terms; creating section 775.086, Florida Statutes, relating to extended terms for subsequent misdemeanors; creating section 775.087, Florida Statutes, relating to extended terms for possession of weapons or for battery; renumbering and amending section 932.465, Florida Statutes, relating to time limitations; renumbering and amending section 776.011, Florida Statutes, relating to principal in first degree; creating sections 776.012, 776.021, 776.031, 776.041, 776.05, 776.06, 776.07, and 776.08, Florida Statutes, relating to justifiable use of force; renumbering and amending section 776.04, Florida Statutes, 1972 Supplement, as amended by section 1, chapter 72-245, Laws of Florida, relating to attempts, solicitation and conspiracy; amending section 782.04, Florida Statutes, as amended by section 3, chapter 72-724, Laws of Florida, defining the crimes of and providing the penalties for murder; amending section 782.07, Florida Statutes, defining the crime of and providing the penalty for manslaughter; creating section 782.071, Florida Statutes, defining the crime of and penalty for vehicular homicide; renumbering and amending section 784.02, Florida Statutes, defining the crime of and providing the penalty for assault; renumbering and amending section 784.04, Florida Statutes, defining the crime of and providing the penalty for aggravated assault; amending section 784.03, Florida Statutes, defining the crime of and providing the penalty for battery; amending section 784.045, Florida Statutes, defining the crime of and providing the penalty for aggravated battery; amending section 784.05, Florida Statutes, defining the crime of and providing the penalty for culpable negligence; renumbering and amending section 805.02, Florida Statutes, 1972 Supplement, as amended by section 8, chapter 72-724, Laws of Florida, defining the crime of and providing the penalty for kidnapping, renumbering and amending section 805.01, Florida Statutes, defining the crime of and providing the penalty for false imprisonment; creating section 787.03, Florida Statutes, defining the crime of and providing the penalty for interference with custody; amending §790.23, Florida Statutes; providing that it shall be a felony of the second degree for persons convicted of certain crimes to have a firearm or other weapon; providing that it shall be a felony of the third degree for persons convicted of other felonies to have a firearm or other weapon; renumbering and amending section 805.03, Florida Statutes, defining the crime of and providing the penalty for removing children from state; creating section 794.011, Florida Statutes, providing definitions; renumbering and amending section 794.01, Florida Statutes, as amended by section 7, chapter 72-724, Laws of Florida, defining the the crimes of and providing the penalties for rape; creating section 794.031, Florida Statutes, defining the crimes of and providing the penalties for sodomy; creating section 794.041, Florida Statutes, defining the crime of and providing the penalty for sexual battery; renumbering and amending section 800.03, Florida Statutes, relating to public indecency; amend-

ing section 806.01, Florida Statutes, defining the crimes of and providing the penalties for arson; amending section 806.02, Florida Statutes, defining the crime of and providing the penalties for malicious mischief; amending section 806.10, Florida Statutes, defining the crime of and providing the penalty for obstructing extinguishment of fire; amending subsection (1) of section 806.111, Florida Statutes, defining the crime of and providing the penalty for possession of fire bombs; creating section 810.011, Florida Statutes, providing for definitions; amending section 810.02, Florida Statutes, defining the crime of and providing the penalties for burglary; amending section 810.06, Florida Statutes, defining the crime of and providing the penalty for possession of burglary tools; amending section 810.07, Florida Statutes, relating to evidence of intent; creating section 810.08, Florida Statutes, defining the crime of and providing the penalty for trespass in structure or conveyance; creating section 810.09, Florida Statutes, defining the crime of and providing the penalty for trespass on property other than structure or conveyance; renumbering and amending section 821.071, Florida Statutes, defining the crime of and providing the penalty for unlawfully removing notices; renumbering and amending 821.02, Florida Statutes, defining the crime of and providing the penalty for placing signs adjacent to highway; renumbering and amending section 813.011, Florida Statutes, defining the crimes of and providing the penalties for robbery; creating section 812.011, Florida Statutes, providing for definitions; renumbering and amending section 811.021, Florida Statutes, defining the crime of and providing the penalty for larceny; renumbering and amending section 811.16, Florida Statutes, defining the crime of and providing the penalty for receiving stolen property; renumbering and amending section 814.04, Florida Statutes, defining the crime of and providing the penalty for unauthorized use of motor vehicle, etc.; renumbering and amending subsection (2) of section 811.165, Florida Statutes, relating to records of purchases and sales; renumbering and amending section 799.01 and 799.02, Florida Statutes, defining the crime of and providing the penalty for bigamy; renumbering and amending section 799.03, Florida Statutes, defining the crime of and providing the penalty for knowingly marrying the spouse of another; creating section 826.04, Florida Statutes, defining the crime of and providing the penalty for incest; creating section 827.01, Florida Statutes, providing for definitions; renumbering and amending section 828.04, Florida Statutes, defining the crime of and providing the penalty for aggravated child abuse; creating section 827.04, Florida Statutes, defining the crime of and providing the penalty for child abuse; renumbering and amending section 828.042, Florida Statutes, defining the crime of and providing the penalty for negligent treatment of children; creating section 827.06, Florida Statutes, defining the crime of and providing the penalty for persistent non-support; creating section 837.011, Florida Statutes, providing for definitions; renumbering and amending section 837.01, Florida Statutes, defining the crime of and providing the penalty for perjury not in an official proceeding; amending section 837.02, Florida Statutes, defining the crime of and providing the penalty for perjury in official proceedings; amending subsection (1) of section 837.021, Florida Statutes, defining the crime of and providing the penalty for perjury by contradictory statements; creating section 837.05, Florida Statutes, defining the crime of and providing the penalty for making false reports to law enforcement authorities; creating section 837.06, Florida Statutes; defining the crime of and providing the penalty for false official statements; creating section 838.014, Florida Statutes, providing for definitions; renumbering and amending section 838.011, Florida Statutes, defining the crime of and providing the penalty for bribery; creating section 838.021, Florida Statutes, defining the crime of and providing the penalty for corruption by threat against public servant; creating section 838.031, Florida Statutes, defining the crime of and providing the penalty for official misconduct; Creating Section 838.032, Florida Statutes, defining the crime of and providing the penalty for failure of a public officer to perform mandatory duties; creating section 838.041, Florida Statutes, defining the crime of and providing the penalty for misuse of confidential information; providing that reference to punishable as provided in specific section of chapter 775 shall be changed to punishable as provided in chapter 775; renumbering section 776.03, Florida Statutes, as section 777.03, Florida Statutes; renumbering sections 779.01, 779.02, 779.03, 779.04, 779.05, 779.06, Florida Statutes, 779.07, Florida Statutes, as amended by section 4, chapter 72-724, Laws of Florida, 779.08, 779.09, 779.10, 779.11, 779.12, 779.13, 779.14, 779.15, 779.16, 779.17, 779.18, 779.19, 779.20 and 779.21, Florida Statutes, as sections 876.32, 876.33, 876.34, 876.35, 876.36, 876.37, 876.38, 876.39, 876.40, 876.41, 876.42, 876.43, 876.44, 876.45, 876.46, 876.47, 876.48, 876.49, 876.50, 876.51 and 876.52, Florida Statutes, respectively; renumbering sections 798.01, 798.02 and 798.03, Florida Statutes, as sections 794.051, 794.061 and 794.-071, Florida Statutes, respectively; renumbering sections 800.01 and 800.02, Florida Statutes, as sections 794.081 and 794.091, Florida Statutes, respectively; renumbering section 806.06, Florida Statutes, as section 817.60, Florida Statutes; renumbering section 811.022, Florida Statutes, as section 901.27, Florida Statutes; renumbering sections 811.165 and 811.201, Florida Statutes, as sections 812.051 and 812.061, Florida Statutes, respectively; renumbering section 814.05, Florida Statutes, as section 322.274, Florida Statutes; renumbering section 814.07, Florida Statutes, 1972 Supplement, as amended by section 1, chapter 72-26 and sections 1 and 2, chapter 72-356, Laws of Florida, as section 319.36, Florida Statutes; renumbering section 823.03, Florida Statutes, as section 806.101, Florida Statutes; renumbering section 828.031, Florida Statutes, as section 827.02, Florida Statutes; renumbering section 828.041, Florida Statutes, as section 827.07, Florida Statutes; and renumbering section 828.201, Florida Statutes, as section 827.08, Florida Statutes; repealing section 741.22, Florida Statutes, relating to incest; repealing section 775.11, Florida Statutes, relating to prosecution for second offenses; repealing section 775.12, Florida Statutes, relating to limitation of repeal; repealing sections 782.01, 782.02, and 782.05, Florida Statutes, relating to homicide; repealing section 784.06, Florida Statutes, relating to assault; repealing sections 794.02, 794.03, 794.04, 794.05, and 794.06, Florida Statutes, relating to rape; repealing section 800.04, Florida Statutes, relating to crimes against nature; repealing sections 806.03, 806.04, 806.05, 806.061, 806.07, 806.08, 806.09, 806.11, and 806.12, Florida Statutes, relating to arson; repealing sections 810.01, 810.03, 810.04, 810.05, and 810.051, Florida Statutes, relating to burglary; repealing sections 811.03, 811.04, 811.163, 811.17, 811.28, and 811.29, 811.30, Florida Statutes, relating to larceny; repealing sections 812.10 and 812.12, Florida Statutes, relating to embezzlement; repealing sections 814.01, 814.02, 814.03, and 814.06, Florida Statutes, relating to auto theft; repealing sections 821.01, 821.011, 821.03, 821.04, 821.041, 821.05, 821.07, 821.08, 821.09, 821.10, 821.11, 821.12, 821.121, 821.13, 821.14, 821.15, 821.16, 821.17, 821.18, 821.19, 821.20, 821.21, 821.22, 821.221, 821.23, 821.24, 821.25, 821.26, 821.27, 821.28, 821.29, 821.30, 821.31, 821.32, 821.33, 821,34, 821.35, 821.37, and 821.38, Florida Statutes, relating to trespass and injury to real property; repealing sections 822.01, 822.02, 822.03, 822.04, 822.05, 822.06, 822.07, 822.08, 822.09, 822.10, 822.11, 822.12, 822.13, 822.14, 822.15, 822.16, 822.17, 822.18, 822.19, 822.20, 822.21, 822.22, and 882.23, Florida Statutes, relating to malicious injury to building; repealing sections 823.01, 823.02, 823.04, 823.041, 823.05, 823.06, 823.07, 823.08, 823.09, and 823.10, Florida Statutes, relating to nuisances and doors of certain buildings; repealing sections 828.01, 828.03, 828.05, 828.06, 828.07, 828.08, 828.09, 828.10, 828.11, 828.17, 828.18, 828.19, 828.20, and 828.21, Florida Statutes, relating to cruelty to animals and children; repealing sections 833.03 and 833.04, Florida Statutes, and section 833.05, Florida Statutes, 1972 Supplement, as amended by section 2, chapter 72-245, Laws of Florida, relating to conspiracy; repealing sections 837.01, 837.03, and 837.04, Florida Statutes, relating to perjury; repealing sections 838.01, 838.012, 838.013, 838.02, 838.03, 838.04, 838.05, 838.06, 838.07, 838.071, 838.08, 838.09, and 838.10, Florida Statutes, relating to bribery; repealing sections 851.01, 851.02, 851.03, and 851.04, Florida Statutes, relating to bucket shops; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 2179, contained in the above message, was read the first time by title and placed on the calendar.

The Senate resumed—

SPECIAL ORDER

SB 816 with committee substitute was taken up and on motion by Senator Pettigrew, HB 2179 a similar measure was substituted therefor. On motion by Senator Pettigrew, by two-thirds vote HB 2179 was read the second time by title.

On motion by Senator Pettigrew the following amendment was adopted:

Amendment 1—On page 10, line 15 strike everything after the enacting clause and insert:

Section 1. Section 775.011, Florida Statutes, is created to read:

775.011 Short title; applicability to antecedent offenses.—

(1) This act shall be known and may be cited as the "Florida Criminal Code."

(2) Except as provided in subsection (3) of this section, the code does not apply to offenses committed prior to its effective date and prosecutions for such offenses shall be governed by the prior law. For the purposes of this section, an offense was committed prior to the effective date of the code if any of the material elements of the offense occurred prior thereto.

(3) In any case pending on or after the effective date of the code, involving an offense committed prior to such date, the provisions of the code involving any quasi-procedural matter shall govern, insofar as they are justly applicable. The provisions of the code according a defense or mitigation or establishing a penalty shall apply only with the consent of the defendant.

Section 2. Section 775.012, Florida Statutes, is created to read:

775.012 General purposes.—The general purposes of the provisions of the code are:

(1) To proscribe conduct that improperly causes or threatens substantial harm to individual or public interests.

(2) To give fair warning to the people of the State of Florida in understandable language of the nature of the conduct proscribed and of the sentences authorized upon conviction.

(3) To define clearly the material elements constituting an offense, and the accompanying state of mind or criminal intent required of that offense.

(4) To differentiate on reasonable grounds between serious and minor offenses and to establish appropriate dispositon for each.

(5) To safeguard conduct that is without fault or legitimate state interest from being condemned as criminal.

(6) To insure the public safety by deterring the commission of offenses, providing for the opportunity for rehabilitation of those convicted, and for their confinement when required in the interests of public protection.

Section 3. Section 775.021, Florida Statutes, is created to read:

775.021 Rules of construction.—

(1) The provisions of this code and offenses defined by other statutes shall be strictly construed;

(2) The provisions of this chapter are applicable to offenses defined by other statutes, unless the code otherwise provides.

(3) This section does not affect the power of a court to punish for contempt or to employ any sanction authorized by law for the enforcement of an order or a civil judgment or decree.

Section 4. Section 775.08, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 775.08, F.S. for present text.)

775.08 Classes and definitions of offenses.—When used in the laws of this state:

(1) The term "felony" shall mean any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by death or imprisonment in the state penitentiary. "State prison" wherever used in this code shall mean "state penitentiary." A person shall be imprisoned in the state penitentiary for each sentence which, except an extended term, exceeds one year.

(2) The term "misdemeanor" shall mean any criminal offense that is punishable under the laws of this state or that would be punishable if committed in this state, by a term of imprisonment, except an extended term of imprisonment, not in excess of one year. The term "misdemeanor" as used in the laws of this state shall not mean any conviction for any violation of any provision of chapter 316, Florida Statutes, or of any municipal or county ordinance.

(3) The term "violation" shall mean any offense that is punishable under the laws of this state or that would be punishable if committed in this state, by no other penalty than a fine, forfeiture or other civil penalty. A violation does not constitute a crime, and conviction for a violation shall not give rise to any legal disability based on a criminal offense. The term "violation" as used in the laws of this state shall not mean any conviction for any violation of any provision of chapter 316, Florida Statutes, or of any municipal or county ordinance. Nothing contained in this code shall repeal or change the penalty for a violation of any provision of chapter 316, Florida Statutes, or of any municipal or county ordinance.

(4) The term "crime" shall mean a felony or misdemeanor.

Section 5. Section 775.082, Florida Statutes, as amended by sections 1, 2, chapter 72-118, Laws of Florida, as amended by section 2, chapter 72-724, Laws of Florida, is amended to read:

775.082 Penalties ~~for felonies and misdemeanors~~.—

(1) A person who has been convicted of a capital felony shall be punished by life imprisonment and shall be required to serve no less than twenty-five (25) ~~calendar~~ years before becoming eligible for parole unless the proceeding held to determine sentence according to the procedure set forth in section 921.141 results in findings by the court that such person shall be punished by death, and in the latter event such person shall be punished by death.

~~(2) In the event the death penalty in a capital felony is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, a person convicted of a capital felony shall be punished by life imprisonment as provided in subsection (1).~~

~~(3)~~*(2)* In the event the death penalty in a capital felony is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death for a capital felony shall cause such person to be brought before the court, and the court shall sentence such person to life imprisonment as provided in subsection (1).

~~(4)~~*(3)* A person who has been convicted of any other designated felony may be punished as follows:

(a) For a life felony, by a term of imprisonment for life, or for a term of years not less than thirty;

(b) For a felony of the first degree, by a term of imprisonment ~~in the state prison~~ not exceeding thirty (30) years or, when specifically provided by statute, by imprisonment for a term of years not exceeding life imprisonment;

(c) For a felony of the second degree, by a term of imprisonment ~~in the state prison~~ not exceeding fifteen (15) years;

(d) For a felony of the third degree, by a term of imprisonment ~~in the state prison~~ not exceeding five (5) years.

~~(5)~~ *(4)* A person who has been convicted of a designated misdemeanor may be sentenced as follows:

(a) For a misdemeanor of the first degree, by a definite term of imprisonment ~~in the county jail~~ not exceeding one (1) year;

(b) For a misdemeanor of the second degree, by a definite term of imprisonment ~~in the county jail~~ not exceeding sixty (60) days.

(5) Any person who has been convicted of a violation may not be sentenced to a term of imprisonment nor to any other punishment more severe than a fine, forfeiture, or other civil penalty, except as provided in chapter 316, Florida Statutes, or by ordinance of any city or county.

(6) Nothing in this section shall be construed to alter the operation of any statute of this state authorizing a trial court,

in its discretion, to impose a sentence of imprisonment for an indeterminate period within minimum and maximum limits as provided by law, except as provided in subsection (1).

(7) This section does not deprive the court of any authority conferred by law to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty. Such a judgment or order may be included in the sentence.

Section 6. Section 775.083, Florida Statutes, is amended to read:

775.083 Fines ~~in lieu of, or in addition to, other criminal penalty.~~—A person who has been convicted of a crime, other than a capital felony, may be sentenced, ~~when specifically designated by statute~~, to pay a fine ~~in lieu of or~~ in addition to any punishment described in section 775.082~~,~~ *or when specifically authorized by statute, he may be sentenced to pay a fine in lieu of any punishment described in section 775.082. A person who has been convicted of a violation may be sentenced to pay a fine.* Fines for designated crimes *and for violations* shall not exceed:

(1) $15,000, when the conviction is of a life felony;

~~(1)~~*(2)* $10,000, when the conviction is of a felony of the the first or second degree;

~~(2)~~*(3)* $5,000, when the conviction is of a felony of the third degree;

~~(3)~~*(4)* $1,000, when the conviction is of a misdemeanor of the first degree;

~~(4)~~*(5)* $500, when the conviction is of a misdemeanor of the second degree *or a violation*;

~~(5)~~*(6)* Any higher amount equal to double the pecuniary gain derived from the offense by the offender or double the pecuniary loss suffered by the victim.

~~(6)~~*(7)* Any higher amount specifically authorized by statute.

(8) If a defendant is unable to pay a fine, the court may permit him to pay the fine in installments.

Section 7. Subsection (1) of section 775.084, Florida Statutes, is amended to read:

775.084 Subsequent felony offenders; extended terms.—

(1) Unless otherwise specifically provided by statute, the court, after due notice to the parties, may sentence a person who has been convicted of a felony within this state to punishments provided in this section if it finds all the following:

(a) The imposition of sentence under this section is necessary for the protection of the public from further criminal activity by the defendant.

~~(b) The defendant is over seventeen years of age at the time sentence is to be imposed under this section.~~

~~(c)~~*(b)* The defendant has previously committed a felony in this state or another qualified offense which was committed after the defendant's ~~seventeenth~~ *eighteenth* birthday. For the purpose of this subsection, the term "qualified offense" includes any crime in violation of a law of another state or of the United States that was punishable under the laws of such state or the United States at the time of its commission by the defendant by death or imprisonment exceeding one year.

~~(d)~~*(c)* The felony for which the defendant is to be sentenced was committed within five years of the date of the commission of the last prior felony or other qualified offense of which he was convicted, or within five years of the defendant's release, on parole or otherwise, from a prison sentence or other commitment imposed as a result of a prior conviction for a felony or other qualified offense, whichever is later.

~~(e)~~*(d)* The defendant has not received a pardon on the ground of innocence for any felony or other qualified offense that is necessary for the operation of this section.

~~(f)~~*(e)* A conviction of a felony or other qualified offense necessary to the operation of this section has not been set aside in any post-conviction proceeding.

Section 8. Section 775.085, Florida Statutes, is created to read:

775.085 Criteria for sentence to extended term of imprisonment; felonies and misdemeanors.—

(1) Unless otherwise specifically provided by statute, the court, after due notice to the parties, may sentence a person who has been convicted of a felony to an extended term of imprisonment as provided in this section if it finds all the following:

(a) The imposition of sentence under this section is necessary for the protection of the public from further criminal activity by the defendant.

(b) The defendant has previously twice been convicted of a misdemeanor of the first degree in this state or another qualified offense which was committed after the defendant's eighteenth birthday. For the purpose of this subsection, the term "qualified offense" includes any crime in violation of a law of another state or of the United States that is equivalent in penalty to a misdemeanor of the first degree.

(c) The felony for which the defendant is to be sentenced was committed within five years of the date of the commission of the last prior misdemeanor or other qualified offense of which he was convicted, or within five years of the defendant's release, on parole or otherwise, from a prison sentence or other commitment imposed as a result of a prior conviction for a misdemeanor or other qualified offense, whichever is later.

(d) The defendant has not received a pardon on the ground of innocence for any misdemeanor or other qualified offense that is necessary for the operation of this section.

(e) A conviction of a misdemeanor or other qualified offense necessary to the operation of this section has not been set aside in any post-conviction proceeding.

(2) For the purposes of this section, the placing of a person on probation without an adjudication of guilt shall be treated as a prior conviction if the felony for which he is to be sentenced was committed during such probationary period.

(3) The court, in conformity with the criteria specified in subsections (1) and (2), may sentence the convicted felon as follows:

(a) In the case of a felony of the first degree, for life;

(b) In the case of a felony of the second degree, for a term of years not exceeding 30;

(c) In the case of a felony of the third degree, for a term of years not exceeding 10.

(4) A sentence imposed under this section shall not be increased after such imposition.

Section 9. Section 775.086, Florida Statutes, is created to read:

775.086 Criteria for sentence to extended term of imprisonment; misdemeanors.—

(1) The court, after due notice to the parties, may sentence a person who has been convicted of a misdemeanor to an extended term of imprisonment as provided in this section if it finds all the following:

(a) The imposition of sentence under this section is necessary for the protection of the public from further criminal activity by the defendant;

(b) The defendant has at least twice previously been convicted of the same crime committed at different times after the defendant's eighteenth birthday;

(c) The misdemeanor for which the defendant is to be sentenced was committed within two years of the date of the commission of the last prior crime, or within two years of the defendant's release, on parole or otherwise, from a prison sentence or other commitment imposed as a result of a prior conviction for a crime, whichever is later;

(d) The defendant has not received a pardon on the ground of innocence for any crime that is necessary for the operation of this section;

(e) A conviction of a crime necessary to the operation of this section has not been set aside in any post-conviction proceeding.

(2) For the purposes of this section, the placing of a person on probation without an adjudication of guilt shall be treated as a prior conviction if the subsequent misdemeanor for which he is to be sentenced was committed during such probationary period.

(3) The court, in conformity with the criteria specified in subsections (1) and (2), may sentence the convicted misdemeanant as follows:

(a) In the case of a misdemeanor of the first degree, for a term of imprisonment not in excess of three years;

(b) In the case of a misdemeanor of the second degree, for a term not in excess of one year.

(4) A sentence imposed under this section shall not be increased after such imposition.

Section 10. Section 775.087, Florida Statutes, is created to read:

775.087 Possession or use of weapon or aggravated battery; extended terms.—Whenever a person has been convicted of a felony and the court makes findings as provided in subsections (1)(2) and (3), the court may extend the sentence provided for such felony by section 775.082 by an additional term of imprisonment in the state penitentiary as follows:

(1) When the court finds that during the commission of a felony, except a felony in which the use of a weapon or firearm is an essential element, the defendant displayed, used, threatened or attempted to use any weapon or firearm or carried any concealed weapon or firearm, the court may extend the sentence by an additional term not exceeding fifteen (15) years;

(2) When the court finds that during the commission of such felony, the defendant committed an aggravated battery, the court may extend the sentence by an additional term not exceeding fifteen (15) years;

(3) When the court makes the findings provided in both subsections (1) and (2) in connection with the commission of the same felony, the court may extend the sentence by an additional term not exceeding thirty (30) years;

(4) When the court extends a sentence in accordance with this section it shall set forth the specific findings upon which such extended term is based.

Section 11. Section 932.465, Florida Statutes, is renumbered and amended to read:

(Substantial rewording of section. See section 932.465, F.S., for present text.)

~~932.465~~ *775.15* Time limitations.—

(1) A prosecution for a felony punishable by death or life imprisonment may be commenced at any time.

(2) Except as otherwise provided in this section, prosecutions for other offenses are subject to the following periods of limitation:

(a) A prosecution for a felony of the first degree must be commenced within six years after it is committed;

(b) A prosecution for any other felony must be commenced within three years after it is committed;

(c) A prosecution for a misdemeanor of the first degree must be commenced within two years after it is committed;

(d) A prosecution for a misdemeanor of the second degree or a violation must be commenced within one year after it is committed.

(3) If the period prescribed in subsection (2) has expired, a prosecution may nevertheless be commenced for:

(a) Any offense, a material element of which is either fraud or a breach of fiduciary obligation, within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself not a party to the offense, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years; and

(b) Any offense based upon misconduct in office by a public officer or employee at any time when the defendant is in public office or employment or within two years from the time he leaves public office or employment or during any time permitted by any other part of this section, whichever time is greater.

(4) An offense is committed either when every element occurs or if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

(5) A prosecution is commenced either when an indictment or information is filed, provided that the capias, summons or other process issued on such indictment or information is executed without unreasonable delay. In determining what is reasonable, inability to locate the defendant after diligent search or the defendant's absence from the state shall be considered. If, however, an indictment or information has been filed within the time period prescribed in this section and the indictment or information is dismissed or set aside because of a defect in its content or form after the time period has elapsed, the period for commencing prosecution shall be extended three months from the time the indictment or information is dismissed or set aside.

(6) The period of limitation does not run during any time when the defendant is continuously absent from the state or has no reasonable ascertainable place of abode or work within the state, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years.

Section 12. Section 776.011, Florida Statutes, is renumbered and amended to read:

7767.011. Principal in first degree.—Whoever commits any criminal offense against the state, whether felony or misdemeanor, or aids, abets, counsels, hires, or otherwise procures such offense to be committed *and such offense is committed or is attempted to be committed,* is a principal in the first degree and may be charged, convicted and punished as such, whether he is or is not actually or constructively present at the commission of such offense.

Section 13. Sections 776.012, 776.021, 776.031, 776.041, 776.05, 776.06, 776.07, and 776.08, Florida Statutes, are created to read:

CHAPTER 776
JUSTIFIABLE USE OF FORCE

776.012 Use of force in defense of person.—A person is justified in the use of force against another when and to the extent that he reasonably believes that such conduct is necessary to defend himself or another against such other's imminent use of unlawful force. However, he is justified in the use of force which is intended or likely to cause death or great bodily harm only if he reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or another, or to prevent the commission of a forcible felony.

776.021 Use of force in defense of dwelling.—A person is justified in the use of force against another when and to the extent that he reasonably believes that such conduct is necessary to prevent or terminate such other's unlawful entry into or attack upon a dwelling. However, he is justified in the use of force which is intended or likely to cause death or great bodily harm only if:

(1) The entry is made or attempted without permission, and he reasonably believes that such force is necessary to prevent an assault upon, or offer of personal violence to, him or another then in the dwelling, or

(2) He reasonably believes that such force is necessary to prevent the commission of a felony in the dwelling.

776.031 Use of force in defense of other property.—A person is justified in the use of force against another when and to the extent that he reasonably believes that such conduct is necessary to prevent or terminate such other's trespass on or other tortious or criminal interference with either real property (other than a dwelling) or personal property, lawfully in

his possession or in the possession of another who is a member of his immediate family or household or of a person whose property he has a legal duty to protect. However, he is justified in the use of force which is intended or likely to cause death or great bodily harm only if he reasonably believes that such force is necessary to prevent the commission of a forcible felony.

776.041 Use of force by aggressor.—The justification described in the preceding sections of this chapter is not available to a person who:

(1) Is attempting to commit, committing, or escaping after the commission of, a forcible felony; or

(2) Initially provokes the use of force against himself, unless:

(a) Such force is so great that he reasonably believes that he is in imminent danger of death or great bodily harm, and that he has exhausted every reasonable means to escape such danger other than the use of force which is likely to cause death or great bodily harm to the assailant; or

(b) In good faith, he withdraws from physical contact with the assailant and indicates clearly to the assailant that he desires to withdraw and terminate the use of force, but the assailant continues or resumes the use of force.

776.05 Law enforcement officer's use of force in making arrest.—A law enforcement officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes to be necessary to effect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or such other person, or when he reasonably believes both that:

(1) Such force is necessary to prevent the arrest from being defeated by resistance or escape; and

(2) The person to be arrested has committed or attempted a forcible felony or is attempting to escape by use of a deadly weapon, or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.

776.06 Force likely to cause death or great bodily harm.—Force which is likely to cause death or great bodily harm, within the meaning of section 776.05 includes:

(1) The firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm; and

(2) The firing of a firearm at a vehicle in which the person to be arrested is riding.

776.07 Use of force to prevent escape.—

(1) A law enforcement officer or other person who has an arrested person in his custody is justified in the use of such force to prevent the escape of the arrested person from custody as he would be justified in using if he were arresting such person.

(2) A guard or other law enforcement officer is justified in the use of force, including force likely to cause death or great bodily harm which he reasonably believes to be necessary to prevent the escape from a penal institution of a person whom the officer reasonably believes to be lawfully detained in such institution under sentence for an offense or awaiting trial or commitment for an offense.

776.08 Forcible felony.—Forcible felony means treason, murder, manslaughter, rape, sodomy, robbery, burglary, arson, kidnapping, aggravated assault, aggravated battery, aircraft piracy, unlawful throwing, placing or discharging of a destructive device or bomb and other felony which involves the use or threat of physical force or violence against any individual.

Section 14. Section 776.04, Florida Statutes, 1972 Supplement, as amended by section 1, chapter 72-245, Laws of Florida, is renumbered and amended to read:

~~776~~7.04 Attempts, *solicitation, conspiracy, generally.*—

(1) Whoever attempts to commit an offense prohibited by law and in such attempt does any act toward the commission of such an offense, but fails in the perpetration, or is intercepted or prevented in the execution of the same, *commits the offense of criminal attempt and* shall, when no express provision is made by law for the punishment of such attempt, be punished as ~~follows:~~ *provided in subsection (4).*

(2) Whoever solicits another to commit an offense prohibited by law and in the course of such solicitation commands, encourages, hires, or requests another person to engage in specific conduct which would constitute such crime or an attempt to commit such crime or which would establish his complicity in its commission or attempted commission, commits the offense of criminal solicitation, and shall, when no express provision is made by law for the punishment of such solicitation, be punished as provided in subsection (4).

(3) Whoever conspires with another person or persons to commit an offense prohibited by law and with intent to facilitate or promote its commission agrees with such other person or persons that they or one or more of them will engage in conduct which constitutes such crime or an attempt or solicitation to commit such crime; or agrees to aid such other person or persons in the planning or commission of such crime or of an attempt or solicitation to commit such crime; and he or one or more of his co-conspirators performs an overt act in pursuance of such conspiracy, commits the offense of criminal conspiracy, and shall, when no express provision is made by law for the punishment of such conspiracy, be punished as provided in subsection (4).

(4) Whoever commits the offense of criminal attempt, solicitation, or conspiracy as defined by this section shall be punished as follows:

~~(1)~~ *(a)* If the offense attempted, *solicited, or conspired to* is a capital felony, the person convicted shall be guilty of a felony of the ~~second~~ *first* degree, punishable as provided in ~~section 775.082, section 775.083 or section 775.084~~ *chapter 775.*

~~(2)~~ *(b)* If the offense attempted, *solicited, or conspired to* is *a life felony or* a felony of the first or second degree, the person convicted shall be guilty of a felony of the ~~third~~ *second* degree, punishable as provided in ~~section 775.082, section 775.083 or section 775.084~~ *chapter 775.*

~~(3)~~ *(c)* If the offense attempted, *solicited, or conspired to* is a felony of the third degree, the person convicted shall be guilty of a misdemeanor of the first degree, punishable as provided in ~~section 775.082, section 775.083, or section 775.084~~ *chapter 775.*

~~(4)~~ *(d)* If the offense attempted, *solicited, or conspired to* is a misdemeanor of the first or second degree, the person convicted shall be guilty of a misdemeanor of the second degree, punishable as provided in ~~section 775.082 or section 775.083~~ *chapter 775.*

(5) It is a defense under this section that, under circumstances manifesting a complete and voluntary renunciation of his criminal purpose, the defendant:

(a) abandoned his attempt to commit the crime or otherwise prevented its commission; or

(b) after soliciting another person to commit a crime, he persuaded such other person not to do so or otherwise prevented commission of the crime; or

(c) after conspiring with one or more persons to commit a crime, he persuaded such persons not to do so or otherwise prevented commission of the crime.

Section 15. Section 782.04, Florida Statutes, as amended by section 3, chapter 72-724, Laws of Florida, is amended to read:

782.04 Murder.—

(1)(a) The unlawful killing of a human being, when perpetrated from a premeditated design to effect the death of the person killed or any human being, or when committed by a person engaged in the perpetration of or in the attempt to perpetrate any arson, rape, *sodomy* as proscribed in section 794.031, robbery, burglary, kidnapping, aircraft piracy, or unlawful throwing, placing or discharging of a destructive device or bomb, or which resulted from the unlawful distribution of heroin by a person over the age of seventeen (17) years when

such drug is proven to be the proximate cause of death of the user shall be murder in the first degree and shall constitute a capital felony, punishable as provided in section 775.082.

(b) In all cases under this section the procedure set forth in section 921.141 shall be followed in order to determine sentence of death or life imprisonment.

(2) *The unlawful killing of a human being* when perpetrated by any act imminently dangerous to another, and evincing a depraved mind regardless of human life, although without any premeditated design to effect the death of any particular individual ~~or when committed in the perpetration of or in the attempt to perpetrate any arson, rape, robbery, burglary, kidnapping, aircraft piracy, or unlawful throwing, placing or discharging of a destructive device or bomb, except as provided in subsection (1),~~ ~~it~~ shall be murder in the second degree and shall constitute a felony of the first degree, punishable *as provided in chapter 775 or* by imprisonment in the state prison for life~~,. or for such term of years as may be determined by the court.~~

(3) When a person is killed in the perpetration of or in the attempt to perpetrate any arson, rape, sodomy as proscribed in section 794.031, robbery, burglary, kidnapping, aircraft piracy or unlawful throwing, placing, or discharging of a destructive device or bomb by a person other than the person engaged in the perpetration of or in the attempt to perpetrate such felony, the person perpetrating or attempting to perpetrate such felony shall be guilty of murder in the second degree which constitutes a felony of the first degree, punishable as provided in chapter 775, or by imprisonment in the state prison for life.

~~(3)~~*(4)* The unlawful killing of a human being when perpetrated without any design to effect death, by a person engaged in the perpetration of or in the attempt to perpetrate any felony, other than *any* arson, rape, *sodomy*, robbery, burglary, kidnapping, aircraft piracy, or unlawful throwing, placing or discharging of a destructive device or bomb, ~~it~~ shall be murder in the third degree and shall constitute a felony of the second degree, punishable as provided in ~~section 775.082, section 775.083, or section 775.084~~ *chapter 775.*

Section 16. Section 782.07, Florida Statutes, is amended to read:

782.07 Manslaughter.—The killing of a human being by the act, procurement or culpable negligence of another, *without lawful justification according to the provisions of chapter 776 and* in cases where such killing shall not be ~~justifiable or~~ excusable homicide nor murder, according to the provisions of this chapter, shall be deemed manslaughter and shall constitute a felony of the second degree, punishable as provided in ~~section 775.082, section 775.083, or section 775.084~~ *chapter 775.*

Section 17. Section 782.071, Florida Statutes, is created to read:

782.071 Vehicular homicide.—"Vehicular homicide" is the killing of a human being by the operation of a motor vehicle by another in a reckless manner likely to cause the death or great bodily harm to another. "Vehicular homicide" is a felony of the third degree punishable as provided in chapter 775.

Section 18. Section 784.02, Florida Statutes, is renumbered and amended to read:

(Substantial rewording of section. See section 784.02, F.S., for present text.)

~~784.02~~ *784.011* Assault.—

(1) "Assault" is an intentional, unlawful threat by word or act to do violence to the person of another, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in such other person that such violence is imminent.

(2) Whoever commits an assault shall be guilty of a misdemeanor of the second degree, punishable as provided in chapter 775.

Section 19. Section 784.04, Florida Statutes, is renumbered and amended to read:

(Substantial rewording of section. See section 784.04, F.S., for present text.)

~~784.04~~ *784.021* Aggravated assault.—

(1) "Aggravated assault" is an assault:

(a) With a deadly weapon without intent to kill; or

(b) With an intent to commit a felony.

(2) Whoever commits an aggravated assault shall be guilty of a felony of the third degree punishable as provided in chapter 775.

Section 20. Section 784.03, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 784.03, F.S., for present text.)

784.03 Battery.—

(1) A person commits battery if he:

(a) Actually and intentionally touches or strikes another person against the will of the other; or

(b) Intentionally causes bodily harm to an individual.

(2) Whoever commits battery shall be guilty of a misdemeanor of the first degree, punishable as provided in chapter 775.

Section 21. Section 784.045, Florida Statutes, is amended to read:

784.045 Aggravated battery.—

(1) A person who in committing battery:

(a) Intentionally or knowingly causes great bodily harm, permanent disability or permanent disfigurement; or

(b) Uses a deadly weapon;
commits aggravated battery.

(2) Whoever commits aggravated battery shall be guilty of a felony of the third degree, punishable as provided in chapter 775.

Section 22. Section 784.05, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 784.05, F.S., for present text.)

784.05 Culpable negligence.—

(1) Whoever through culpable negligence, exposes another person to personal injury shall be guilty of a misdemeanor of the second degree, punishable as provided in chapter 775.

(2) Whoever through culpable negligence inflicts actual personal injury, on another shall be guilty of a misdemeanor of the first degree, punishable as provided in chapter 775.

Section 23. Section 805.02, Florida Statutes, 1972 Supplement as amended by section 8, chapter 72-724, Laws of Florida, is renumbered and amended to read:

(Substantial rewording of section. See section 805.02, F.S., 1972 Supplement, as amended by section 8, chapter 72-724, Laws of Florida, for present text.)

~~805.02~~ *787.01* Kidnapping.—

(1) "Kidnapping" means forcibly, secretly, or by threat confining, abducting or imprisoning another person against his will and without lawful authority with intent to:

(a) Hold for ransom or reward, or as a shield or hostage; or

(b) Commit or facilitate commission of any felony; or

(c) Inflict bodily harm upon or to terrorize the victim or other person; or

(d) Interfere with the performance of any governmental or political function.

(2) Confinement of a child under the age of thirteen (13) is against his will within the meaning of subsection (1) of such confinement is without the consent of his parent or legal guardian.

(3) Whoever kidnaps a person is guilty of a felony of the first degree, punishable as provided in chapter 775, or by imprisonment for life.

Section 24. Section 805.01, Florida Statutes, is renumbered and amended to read:

(Substantial rewording of section. See section 805.01, F.S., for present text.)

~~805.01~~ *787.02* False imprisonment.—

(1) "False imprisonment" means forcibly, by threat, or secretly confining, abducting, imprisoning or restraining another person without lawful authority and against his will with any purpose other than those referred to in section 787.01.

(2) Confinement of a child under the age of thirteen (13) is against his will within the meaning of this section if such confinement is without the consent of his parent or legal guardian.

(3) Whoever commits the offense of false imprisonment shall be guilty of a felony of the third degree, punishable as provided in chapter 775.

Section 25. Section 787.03, Florida Statutes, is created to read:

787.03 Interference with custody.—

(1) Whoever without lawful authority knowingly or recklessly takes or entices any child seventeen (17) years or under or any incompetent person from the custody of his parent, guardian or other lawful custodian, commits the offense of interference with custody.

(2) It is a defense that:

(a) The defendant reasonably believes that his action was necessary to preserve the child or the incompetent person from danger to his welfare; or

(b) The child or imcompetent person was taken away at his own instigation without enticement and without purpose to commit a criminal offense with or against the child.

(3) Proof that a child was seventeen (17) years or under creates the presumption that the defendant knew the child's age or acted in reckless disregard thereof.

(4) Interference with custody is a misdemeanor of the first degree, punishable as provided in chapter 775.

Section 26. Section 805.03, Florida Statutes, is renumbered and amended to read:

~~805.03~~ *787.04* Felony to remove children from state contrary to court order.—

(1) It is unlawful for any person, in violation of a court order, to lead, take, entice or remove a child beyond the limits of this state with personal knowledge of the order.

(2) It is unlawful for any person, with criminal intent, to lead, take, entice or remove a child beyond the limits of this state during the pendency of any action or proceedings affecting custody of a child after having received notice as required by law of the pendency of the action or proceeding, without the permission of the court in which the action or proceeding is pending.

(3) It is unlawful for any person, who has carried beyond the limits of this state any child whose custody is involved in any action or proceeding pending in this state, pursuant to the order of the court in which the action or proceeding is pending, or pursuant to the permission of the court, thereafter, to fail to produce the child in the court or deliver the child to the person designated by the court.

(4) Any person convicted of a violation of this law shall be guilty of a felony of the third degree, punishable as provided in ~~section 775.082, section 775.083 or section 775.084~~ *chapter 775.*

Section 27. Section 794.011, Florida Statutes, is created to read:

794.011 Definitions and general offenses.—

(1) Definitions.—

(a) "Sexual intercourse" means the penetration, however slight, of the female sex organ by the male sex organ; emission of seed is not required;

(b) "Sodomy" means the insertion of the male sex organ in the anus or mouth of another or oral copulation with the sex organ of another;

(c) "Sexual contact" means any touching by any means of the anus or any part of the genitals of another person;

(d) "Person of previous chaste character" means a person who has never voluntarily engaged in sexual intercourse or sodomy with any person other than the defendant.

(2) The common law rule "that a boy under fourteen (14) years of age is conclusively presumed to be incapable of committing the crime of rape" shall not be in force in this state.

(3) No person shall permit, publish, or broadcast, or cause or allow to be printed, published, or broadcast in any instrument of mass communication, the name, address or other identifying fact or information, of the victim of any sexual offense within this chapter other than mere indecent exposure. An offense under this section shall constitute a misdemeanor of the second degree, punishable as provided in chapter 775.

(4) When in this chapter the criminality of conduct depends upon the victim's previous chaste character, ignorance of previous chaste character is no defense. A bona fide belief that such person is not of previous chaste character shall not be a defense.

(5) When in subsections 794.021(1) and (2) subsection 794.031(1)(b) and 794.041(2), the criminality of conduct depends upon the victim being below a certain specified age, ignorance of the age is no defense nor shall misrepresentation of his age by such person nor a bona fide belief that such person is over the specified age be a defense. When in subsection 794.021(4) and subsection 794.031(3), the criminality of conduct depends upon the victim being below a certain specified age, a bona fide and reasonable belief that such person is over the specified age is a defense.

(6) Whenever in this chapter the definition of an offense excludes conduct with a spouse, the exclusion shall extend to persons living as man and wife, regardless of the legal status of their relationship. Where the definition of an offense excludes conduct with a spouse or conduct by a woman, this shall not preclude conviction of a spouse or woman as accomplice in a sexual act which he or she causes another person, not within the exclusion, to perform.

(7) If the testimony of the alleged victim of any felony under this chapter is not supported by other evidence, his testimony should be rigidly examined by the trier of fact with special care in view of the emotional involvement of the witness and the difficulty of determining the truth with respect to alleged sexual activities carried out in private. However, the testimony of the alleged victim, even though uncorroborated, is sufficient upon which to base a conviction if the trier of fact is convinced of the defendant's guilt beyond a reasonable doubt. In prosecutions, under this chapter, special consideration should be given to the alleged victim's uncorroborated testimony as it is related to the nature and extent of the force or coercion used and as it relates to the question of whether or not consent was ever finally given.

Section 28. Section 794.01, Florida Statutes, as amended by section 7, chapter 72-724, Laws of Florida, is renumbered and amended to read:

(Substantial rewording of section. See section 794.01, F.S., and amended by section 7, chapter 72-724, Laws of Florida, for present text.)

~~794.01~~ *794.021* Rape.

(1) A person of the age of eighteen (18) years or older who has sexual intercourse with or injures the sexual organs of a person of the age of ten (10) years or under in an attempt to have sexual intercourse is guilty of a capital felony, punishable as provided in section 775.082.

(2) A person who has sexual intercourse with a person not his spouse of the age of eleven (11) years or more by force or threat of any kind and against his will, or a person under the age of eighteen (18) years who has sexual intercourse with or injures the sexual organs of a person of the age of ten (10) years or under in an attempt to have sexual intercourse, commits the offense of rape in the first degree and shall be guilty of a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in chapter 775.

(3) A person who has sexual intercourse with a person not his spouse whose faculties he knows are so impaired, through no fault of such victim, that the victim is incapable of understanding the nature of his conduct, commits the offense of rape in the second degree and shall be guilty of a felony of the second degree, punishable as provided in chapter 775.

(4) Any person who has sexual intercourse with any unmarried person of previous chaste character over the age of ten (10) years and under the age of sixteen (16) years commits the offense of third degree rape if the offender is at least two (2) years older than the person with whom he has sexual intercourse and whoever commits rape in the third degree shall be guilty of a felony of the third degree, punishable as provided in chapter 775.

Section 29. Section 794.031, Florida Statutes, is created to read:

794.031 Sodomy.—

(1) Whoever:

(a) Commits an act of sodomy upon another person not his spouse by force or threat of any kind and against his will or causes that person to commit an act of sodomy by force or threat of any kind and against his will; or

(b) Commits an act of sodomy upon a child under the age of eleven (11) years or causes the child to commit an act of sodomy or injures the child in an attempt to commit an act of sodomy; commits sodomy of the first degree and shall be guilty of a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in chapter 775.

(2) Whoever commits any act of sodomy upon another or causes him to participate in any act of sodomy, knowing that his faculties are so impaired through no fault of such victim, that the victim is incapable of understanding the nature of his conduct, commits sodomy in the second degree and shall be guilty of a felony in the second degree, punishable as provided in chapter 775.

(3) Whoever commits an act of sodomy upon a child of previous chaste character over the age of ten (10) years and under the age of sixteen (16) years or who causes such child to commit an act of sodomy commits sodomy in the third degree if the offender is at least two (2) years older than the person with whom he has committed the act of sodomy. Whoever commits sodomy in the third degree shall be guilty of a felony of the third degree, punishable as provided in chapter 775.

Section 30. Section 794.041, Florida Statutes, is created to read:

794.041 Sexual battery.—

(1) Whoever without intent to commit rape or sodomy has sexual contact with a person not his spouse, of the age of fourteen (14) years or more, by force or threat and against his will shall be guilty of a felony of the third degree, punishable as provided in chapter 775.

(2) Whoever without lawful authority and without intent to commit rape or sodomy has sexual contact with a child under the age of fourteen (14) years shall be guilty of a felony of the second degree, punishable as provided in chapter 775.

Section 31. Section 800.03, Florida Statutes, is renumbered and amended to read:

(Substantial rewording of section. See section 800.03, F.S., for present text.)

~~800.03~~ *794.051* Public indecency.—

(1) Any person who performs any of the following acts in a public place, commits a public indecency:

(a) An act of sexual intercourse or sodomy;

(b) Exposing his or her genitals with intent to be offensive to others;

(2) A person convicted of a public indecency is guilty of a misdemeanor of the second degree punishable as provided in chapter 775.

Section 32. Section 806.01, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 806.01, F.S., for present text.)

806.01 Arson.—

(1) Any person who wilfully and maliciously by fire or explosive damages any structure whether the property of himself or another knowing or having reason to know that a human being is in the structure shall be guilty of arson in the first degree which constitutes a felony of the first degree, punishable as provided in chapter 775.

(2) Any person who wilfully and maliciously by fire or explosive damages any structure whether the property of himself or another under any circumstances not referred to in subsection (1) shall be guilty of arson in the second degree which constitutes a felony of the second degree, punishable as provided in chapter 775.

(3) "Structure" means any building of any kind and any enclosed area with a roof over it, vehicle, vessel or aircraft.

Section 33. Section 806.02, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 806.02, F.S., for present text.)

806.02 Criminal mischief.—

(1) A person commits the offense of criminal mischief if he wilfully and maliciously injures or damages by any means any real or personal property belonging to another.

(2)(a) If the damage to such property is two hundred dollars ($200) or less, it is a misdemeanor of the second degree, punishable as provided in chapter 775.

(b) If the damage to such property is greater than two hundred dollars ($200) but less than $1,000, it is a misdemeanor of the first degree, punishable as provided in chapter 775.

(c) If the damage is $1,000 or greater or if there is interruption or impairment of a business operation, public communication, transportation, supply of water, gas or power or other public service which costs $1,000 or more in labor and supplies to restore, it is a felony of the third degree, punishable as provided in chapter 775.

Section 34. Section 806.10, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 806.10, F.S., for present text.)

806.10 Preventing or obstructing extinguishment of fire.—

(1) Any person who wilfully and maliciously injures, destroys, removes, or in any manner interferes with the use of any vehicles, tools, equipment, water supplies, hydrants, towers, buildings, communication facilities, or any other instruments or facilities used in the detection, reporting, suppression, or extinguishment of fire shall be guilty of a felony of the third degree, punishable as provided in chapter 775.

(2) Any person who wilfully or unreasonably interferes with, hinders, or assaults or attempts to interfere with or hinder any fire fighter in the performance of his duty shall be guilty of a felony of the third degree, punishable as provided in chapter 775.

Section 35. Subsection (1) of section 806.111, Florida Statutes, is amended to read:

806.111 Fire bombs.—

(1) Every person who possesses, manufactures or disposes of a fire bomb with intent that such fire bomb be willfully and maliciously used to set fire to or burn any building or property is guilty of a felony of the third degree, punishable as provided in ~~section 775.082, section 775.083, or section 775.084~~ *chapter 775.*

Section 36. Section 810.011, Florida Statutes, is created to read:

810.011 Definitions.—As used in this chapter:

(1) "Structure" means any building of any kind either temporary or permanent which has a roof over it together with the curtilege thereof.

(2) "Conveyance" means any motor vehicle, ship, vessel, railroad car, trailer, aircraft or sleeping car and to enter a conveyance includes taking apart any portion of the conveyance.

(3) An act is committed "In the course of committing" if it occurs in an attempt to commit the offense or in flight after the attempt or commission.

(4) "Posted land" is that land upon which signs are placed not more than five hundred feet apart along, and at each corner of, the boundaries of the land, upon which signs there shall appear prominently, in letters of not less than two inches in height, the words "no trespassing" and in addition thereto shall appear the name of the owner, lessee, or occupant of said land. Said signs shall be placed along the boundary line of posted land in a manner and in such position as to be clearly noticeable from outside of the boundary line. It shall not be necessary to give notice by poster on any land or place not exceeding five acres on which there is a dwelling house in order to obtain the benefits of the statutes of this state prohibiting trespass.

(5) "Cultivated land" is that land which has been cleared of its natural vegetation and is presently planted with a crop, orchard, grove, pasture, or trees or is fallow land as part of a crop rotation.

(6) "Fenced land" is that land which has been enclosed by a fence of substantial construction, whether with rails, logs, post and railing, iron, steel, barbed wire, or other wire, or other material, which stands at least three (3) feet in height. For the purpose of this chapter it shall not be necessary to fence any boundary or part of a boundary of any land which shall be formed by water.

(7) Where lands are posted, cultivated or fenced as described herein then said lands for the purpose of this chapter shall be considered as enclosed and posted.

Section 37. Section 810.02, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 810.02, F.S., for present text.)

810.02 Burglary.—

(1) Burglary means entering or remaining in a structure or a conveyance with the intent to commit an offense therein, unless the premises are at the time open to the public or the defendant is licensed or invited to enter or remain.

(2) Burglary is a felony of the first degree, punishable by imprisonment for a term of years not exceeding life imprisonment or as provided in chapter 775, if in the course of committing the offense, the offender:

(a) Makes an assault upon any person; or

(b) Is armed or arms himself within such structure with explosives or a dangerous weapon.

(3) If the offender does not make an assault or is not armed or does not arm himself with a dangerous weapon or explosive as aforesaid during the course of committing the offense and the structure entered is a dwelling or there is a human being in the structure or conveyance at the time the offender entered, attempted to enter or was in the structure or conveyance, the burglary is a felony of the second degree, punishable as provided in chapter 775. Otherwise, burglary is a felony of the third degree, punishable as provided in chapter 775.

Section 38. Section 810.06, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 810.06, F.S., for present text.)

810.06 Possession of burglary tools.—Whoever has in his possession any tool, machine, or implement with intent to use the same or allow the same to be used to commit any burglary or trespass shall be guilty of a felony of the third degree, punishable as provided in chapter 775.

Section 39. Section 810.07, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 810.07, F.S., for present text.)

810.07 Prima facie evidence of intent.—In a trial on the charge of burglary, proof of the entering of such structure or vehicle at any time and without consent of the owner or occupant thereof, shall be prima facie evidence of entering with intent to commit a crime.

Section 40. Section 810.08, Florida Statutes, is created to read:

810.08 Trespass in structure or conveyance.—A person trespasses if he willfully enters any structure or conveyance without being authorized, licensed or invited. An offense under this section is a misdemeanor of the first degree, punishable as provided in chapter 775, if:

(1) The offender is armed or arms himself while in the structure or conveyance; or

(2) There is a human being in the structure or conveyance at the time the offender trespassed, attempted to trespass or was in the structure or conveyance.

Otherwise, it is a misdemeanor of the second degree, punishable as provided in chapter 775.

Section 41. Section 810.09, Florida Statutes, is created to read:

810.09 Trespass on property other than structure or conveyance.—

(1) A person commits an offense if without being authorized, licensed or invited, he wilfully enters upon or remains in any property other than a structure or conveyance as to which notice against entering or remaining is given by:

(a) Actual communication to the defendant; or

(b) Posting, fencing or cultivation as prescribed in section 810.011.

(2) An offense under this section is a misdemeanor of the first degree, punishable as provided in chapter 775, if:

(a) The offender defies an order to leave personally communicated to him by the owner of the premises or other authorized person; or

(b) The offender wilfully opens any door, fence or gate or does any other act which exposes animals, crops or other property to waste, destruction and freedom.

Otherwise, it is a misdemeanor of the second degree, punishable as provided in chapter 775.

Section 42. Section 821.071, Florida Statutes, is renumbered and amended to read:

(Substantial rewording of section. See section 821.071, F.S., for present text.)

~~821.071~~ *810.10* Posted land; removing notices unlawful; penalty.—

(1) It is unlawful for any person to wilfully remove, destroy, mutilate or commit any act designed to remove, mutilate or reduce the legibility or effectiveness of any posted notice placed by the owner, tenant, lessee, or occupant of legally enclosed or legally posted land pursuant to any law of this state for the purpose of legally enclosing the same.

(2) Any person violating the provisions of this section shall be guilty of a misdemeanor of the second degree, punishable as provided in ~~section 775.082 or section 775.083~~ *chapter 775.*

Section 43. Section 821.02, Florida Statutes, is renumbered and amended to read:

(Substantial rewording of section. See section 821.02, F.S., for present text.)

~~821.02~~ *810.11* Placing signs adjacent to highways; penalty.—

(1) All persons are prohibited from placing, posting or erecting signs upon land or upon trees upon land adjacent to or adjoining all public highways of the state, without the written consent of the owner of such land, or the written consent of the attorney or agent of such owner.

(2) Every person convicted of a violation of this section shall be guilty of a misdemeanor of the second degree, punishable as provided in ~~section 775.082 or section 775.083~~ *chapter 775.*

Section 44. Section 813.011, Florida Statutes, is renumbered and amended to read:

(Substantial rewording of section. See section 813.011, F.S., for present text.)

~~813.011~~ *811.011* Robbery.—

(1) "Robbery" means the taking of money or other property which may be the subject of larceny from the person or custody of another by force, violence or assault or putting in fear.

(2) If in the course of committing the robbery the offender carried a firearm or other deadly weapon, then the robbery is a felony of the first degree, punishable by imprisonment for a term of years not exceeding life imprisonment or as provided by chapter 775. Otherwise, robbery is a felony of the first degree, punishable as provided by chapter 775.

(3)(a) An act shall be deemed "in the course of committing the robbery" if it occurs in an attempt to commit robbery or in flight after the attempt or commission.

(b) "Deadly weapon" means any firearm, or other weapon, device, instrument, material or substance, whether animate or inanimate, which in the manner it is used or is intended to be used is known to be capable of causing death or great bodily harm.

Section 45. Section 812.011, Florida Statutes, is created to read:

812.011 Definitions.—

(1) "Property" means anything of value, including but not limited to real estate, tangible and intangible personal property, contract rights, evidence of debt, choses-in-action and other interests in or claims to wealth, admission or transportation tickets, animals, food and drink, transient accommodations and services directly related thereto gas water, electric and other power and telephone service.

(2) "Value" equals fair market value of property;

(3) "Motor vehicle" means automobiles, motorcycles, motor trucks, mobile homes, trailer coaches, house trailers, camper type mobile homes mounted and transported wholly upon the body of a self-propelled vehicle, any type of trailer or vehicle body without independent motive power drawn by or carried upon a self-propelled vehicle, designed for and used either as a means of transporting persons or property over the public streets and highways or for furnishing housing accommodations, or both, and all other vehicles operated over the public highways and streets of this state and propelled by power other than muscular power, but does not include traction engines, road rollers, or vehicles that run on a track.

(4) "Aircraft" means aircraft as defined in section 330.01.

(5) "Boat" means vessel as defined in section 371.021.

(6) "Boat motor" means any motor-driven device used for propelling a boat.

(7) "Public servant" means any public officer, agent, or employee of government, whether elected or appointed, including any executive, legislative or judicial officer, and any person participating as a special master, receiver, auditor, juror, arbitrator, umpire, referee, consultant, hearing examiner, or otherwise, in performing a governmental function; but the term does not include witnesses. Such term shall include a candidate for election to any such office including the time prior to the election, the time after he is elected and the time after he has qualified. It shall include any person appointed to any of the foregoing offices or employments before and after he qualifies.

(8) "Steal or Stolen" means to commit or have committed larceny.

Section 46. Section 811.021, Florida Statutes, is renumbered and amended to read:

~~811.021~~*812.021* Larceny defined; penalties; sufficiency of indictment, information or warrant.—

(1) A person who with intent to deprive or defraud the true owner of his ~~real or personal~~ property or of the use and benefit thereof, or to appropriate the same to the use of the taker or of any other person:

(a) Takes from the possession of the true owner, or of any other person; or obtains from such person possession by color or aid of fraudulent or false representations or pretense, or of any false token or writing; or obtains the signature of any person to a written instrument, the false making whereof would be punishable as forgery; or secretes, withholds, or appropriates to his own use, or that of any other than the true owner, any ~~money, personal~~ property~~, goods and chattels, thing in action, evidence of debt, contract, or property, or article of value of any kind~~; or

(b) Having in his possession, custody or control, as a broker, bailee, servant, attorney, agent, employee, clerk, trustee, or officer of any person, association, or corporation, member of co-partnership, pool or joint adventure, or as a person authorized by agreement, or by competent authority, to hold or take such possession, custody, or control, any ~~money, personal thing or action, goods and chattels, evidence of debt, contract,~~ property, ~~or article of value of any kind,~~ appropriates the same to his own use, or that of any other person other than the true owner or person entitled to the benefit thereof; or

(c) While acting as executor, administrator, committee, guardian, receiver, collector or trustee of any description, appointed by a deed, will, or other instrument, or by an order or judgment of a court or officer, secretes, withholds or otherwise appropriates to his own use, or that of any person other than the true owner, or person entitled thereto, any ~~money, personal~~ property, ~~goods and chattels, thing in action, evidence of debt, contract, property or article of value of any kind,~~ in his possession or custody by virtue of his office, employment or appointment; or

(d) Takes unpurchased merchandise of any mercantile establishment on the premises of such establishment with the intent to convert the same to personal use without paying the purchase price therefor; or

(e) Obtains property of another by threatening to:

1. Accuse anyone of a criminal offense; or

2. Expose any secret tending to subject any person to hatred, contempt or ridicule, or to impair his credit or business repute; or

3. Take or withhold action as a public servant; or

4. Bring about or continue a strike, boycott or other collective unofficial action, if the property is not demanded or received for the benefit of the group in whose interest the defendant purports to act; or

5. testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

(f) Fails to take reasonable measures to restore property which he knows to have been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient after he comes into control of such property; shall, upon conviction, be guilty of larceny.

(2) If the property stolen is*:*

(a) of the value of one hundred dollars or more~~,~~; or ~~if,~~

(b) ~~as part of a common scheme or design to defraud,~~ property of the aggregate value of two hundred dollars or more ~~is~~ taken in any twelve consecutive month period by an agent, servant or employee from his principal or employer by a series or combination of any of the acts denounced in this section, *as part of a common scheme or design to defraud; or*

(c) a will, codicil or other testamentary instrument; or

(d) A firearm; or

(e) A motor vehicle; or

(f) Any member of the bovine or equine species; the offender shall be deemed guilty of grand larceny which constitutes a felony of the third degree, punishable as provided in ~~section 775.082, section 775.083, or section 775.084~~ *chapter 775, unless the offender is a public servant who used his official position to commit the offense or in the course of committing the offense stole public property or property which the duty of his office required him to receive and hold in which case the offender shall be guilty of a felony of the second degree, punishable as provided in chapter 775.*

(3) ~~If the value of the property stolen is less than one hundred dollars, the offender shall be guilty of~~ *Larceny of property not described within subsection (2) is petit larceny, which constitutes a misdemeanor of the second degree, punishable as provided in* ~~section 775.082 or section 775.083~~ *chapter 775.* Upon a second conviction of petit larceny, the offender shall be guilty of a misdemeanor of the first degree, punishable as provided in ~~section 775.082 or section 775.083~~ *chapter 775.* Upon a third or subsequent conviction of the offense of petit larceny, the offender shall be guilty of a felony of the third degree, punishable as provided in ~~section 775.082, section 775.083, or section 775.084,~~ *chapter 775.*

(4) Hereafter it shall not be a defense to a prosecution for larceny, or for an attempt, *solicitation* or for conspiracy to commit the same, or for being accessory thereto, that the purpose for which the owner was induced by color ~~of~~ *or* aid of fraudulent or false representation or pretense, or of any false token or writing, to part with his property or the possession thereof, was illegal, immoral or unworthy.

(5) It shall be sufficient for any indictment, information, or warrant returned, filed or issued under this section to charge generally that the defendant at the time and in the county specified, did steal the personal or real property, thing in action, evidence of debt or contract or article of value out of which the prosecution arose, describing the same in general terms and alleging generally the ownership and value thereof. *It shall not be necessary when alleging the larceny of property over a period of time that the exact date or dates the property was taken be alleged but instead the total period of time may be alleged generally.* This section shall not be construed as intending to interfere with the power of the court to require the state to furnish the defendant with a bill of particulars in proper cases and on sufficient showing that cause exists for the same.

~~(6) Nothing in this section shall be construed as in any way altering, modifying or repealing the following statutes or any part thereof: section 706.10, 811.03, 811.04, 812.10, 812.12, 821.10, 821.22 and 821.23.~~

(6) The failure, neglect, omission or refusal of any public servant to pay over or deliver any money, property or effects to any official or person authorized or having the right by law to receive the same, for more than thirty days after the same has been collected or received by him, shall be prima facie evidence of the conversion to one's own use, or the secreting with intent to convert to one's own use, or the witholding with the intent to convert to one's own use the said money, property or effects.

Section 47. Section 811.16, Florida Statutes, is renumbered and amended to read:

(Substantial rewording of section. See section 811.16, F.S., for present text).

~~811.16~~*812.031* Receiving stolen property.—

(1) Whoever intentionally receives, retains, disposes or aids in concealment of any stolen property of another without consent of the owner or person entitled to possession, knowing that it has been stolen, or under such circumstances as would induce a reasonable man to believe that the property was stolen, commits an offense.

(2) If the property received is:

(a) property of the value of one hundred dollars or more;

(b) a will, codicil or other testamentary instrument;

(c) a firearm; or

(d) a motor vehicle; or

(e) any member of the bovine or equine species; the offender shall be deemed guilty of a felony of the third degree, punishable as provided in chapter 775.

(3) If the property received is not described in subsection (2) above, the offender shall be deemed guilty of a misdemeanor of the second degree, punishable as provided in chapter 775.

(4) It shall not be necessary on the trial of the crime of receiving stolen property to prove that the person who stole the property has been convicted.

(5) In determining the value of the property received the aggregate value of all stolen property found in possession of the offender shall be used for the purposes of this section.

Section 48. Section 814.04, Florida Statutes, is renumbered and amended to read:

~~814.04~~*812.041* Unauthorized temporary use of motor vehicle, aircraft, boat or boat motor.—

(1) Any person who temporarily uses any motor vehicle, aircraft, boat, or boat motor without the authority of the owner or his representative, or who shall knowingly be a party to such unauthorized use, shall, upon conviction, be guilty of a misdemeanor of the first degree, punishable as provided in ~~section 775.082 or section 775.083~~ *chapter 775.*

(2) Nothing in this section shall be construed to apply to any case in which the taking of the property of another is with intent to steal the same or in which the taking is under a claim of right or with the presumed consent of the owner or other person having the legal control, care, or custody of the same.

Section 49. Subsection (2) of section 811.165, Florida Statutes, is renumbered and amended to read:

~~811.165~~ *812.051* Record of purchases and sales required of junk dealers and persons dealing in secondhand goods.—

x x x

(2) A failure to keep the records required under this section and for the period of time required shall be a misdemeanor *of the first degree,* punishable as provided in ~~section 775.082 or section 775.083~~ *chapter 775.*

Section 50. Section 799.01, Florida Statutes, is renumbered and amended to read:

~~799.01~~ *826.01* Bigamy; punishment.—Whoever, having a husband or wife living, marries another person, ~~or continues to cohabit with such second husband or wife in this state,~~ shall (except in the cases mentioned in ~~section 799.02~~ *section 826.02*) be guilty of a felony of the third degree, punishable as provided in ~~section 775.082, section 775.083 or section 775.084~~ *chapter 775.*

Section 51. Section 799.02, Florida Statutes, is renumbered and amended to read:

~~799.02~~ *826.02* Exceptions.—The provisions of ~~section 799.01~~ *section 826.01* shall not extend to any person *who reasonably believes that the prior spouse is dead;* ~~whose husband or wife has been continually remaining beyond sea,~~ or *to a person whose prior spouse* has voluntarily deserted ~~the other~~ *him* and remained absent for the space of three years continuously, the party marrying again not knowing the other to be living within that time~~,~~*;* ~~nor~~ to any person divorced from the bonds of matrimony~~.~~*; or to a person who violates its provisions because a domestic or foreign court has entered an invalid judgment purporting to terminate or annul the prior marriage and the defendant does not know that judgment to be invalid; or to any person who reasonably believes that he is legally elegible to remarry.*

Section 52. Section 799.03, Florida Statutes, is renumbered and amended to read:

~~799.03~~ *826.03* Knowingly marrying husband or wife of another.—Whoever knowingly marries the husband or wife of another person *knowing him or her to be the spouse of another person* shall be guilty of a felony of the third degree, punishable as provided in ~~section 775.082, section 775.083 or section 775.084~~ *chapter 775.*

Section 53. Section 826.04, Florida Statutes, is created to read:

826.04 Incest.—Whoever knowingly marries or has sexual intercourse with a person to whom he is related by lineal consanguinity, or a brother, sister, uncle, aunt, nephew, or niece commits incest which constitutes a felony of the third degree, punishable as provided in chapter 775. "Sexual intercourse" is the penetration, however slight, of the female sex organ by the male sex organ~~, however slight~~; emission of seed is not required.

Section 54. Section 827.01, Florida Statutes, is created to read:

827.01 Definitions.—As used in this section:

(1) "Child" means any person under the age of eighteen (18) years.

(2) "Placement" means the giving or transferring of possession or custody of a child, by any person to another person, for adoption or with intent or purpose of surrendering the control of the child.

(3) "Torture" means every act, omission or neglect whereby unnecessary or unjustifiable pain or suffering is caused.

Section 55. Section 828.04, Florida Statutes, is renumbered and amended to read:

(Substantial rewording of section. See section 828.04, F.S., for present text.)

827.03 Aggravated child abuse.—Whoever:

(1) Commits aggravated battery on a child; or

(2) Wilfully tortures a child; or

(3) Maliciously punishes a child; or

(4) Wilfully and unlawfully cages a child; or

(5) Wilfully or by culpable negligence deprives a child of or allows a child to be deprived of necessary food, clothing, shelter or medical treatment and in so doing causes the death of the child;

shall be guilty of a felony of the second degree, punishable as provided in chapter 775.

Section 56. Section 827.04, Florida Statutes, is created to read:

827.04 Child abuse.—

(1) Whoever wilfully or by culpable negligence deprives a child of or allows a child to be deprived of necessary food, clothing, shelter and medical treatment knowingly or by culpable negligence or permits the physical or mental health of the child to be materially endangered and in so doing causes great bodily harm, permanent disability or permanent disfigurement to such child shall be guilty of a felony of the third degree, punishable as provided in chapter 775.

(2) Whoever wilfully or by culpable negligence deprives a child of or allows a child to be deprived of necesary food, clothing, shelter and medical treatment knowingly or by culpable negligence or permits the physical or mental health of the child to be materially endangered shall be guilty of a misdemeanor of the first degree, punishable as provided in chapter 775.

Section 57. Section 828.042, Florida Statutes, is renumbered and amended to read:

~~828.042~~ *827.05* Negligent treatment of children.—Whoever negligently deprives *a child of or allows a child to be deprived* of necessary food, clothing, ~~or~~ shelter, *or medical treatment* ~~any person under the age of sixteen years, and whoever negligently and without malice deprives of necessary sustenance or raiment, or negligently and without malice deprives of necessary treatment and attention his child or ward,~~ is guilty of a misdemeanor of the second degree, punishable as provided in ~~section 775.082 or section 775.083~~ *chapter 775.*

Section 58. Section 827.06, Florida Statutes, is created to read:

827.06 Persistent non-support.—

(1) Any person who, after notice, fails to provide support which he is able to provide to children or spouse which he knows he is legally obligated to support and over which no court has jurisdiction in any proceedings for child support or dissolution of marriage, shall be guilty of a misdemeanor of the first degree, punishable as provided in chapter 775.

(2) Prior to commencing prosecution under this section, the state attorney must advise the person responsible for support by certified mail, return receipt requested that a prosecution under this section will be commenced against him unless he makes such delinquent support payments or provides a satisfactory explanation as to why he has not made such payments.

Section 59. Section 837.011, Florida Statutes, is created to read:

837.011 Definitions.—In this chapter, unless a different meaning plainly is required:

(1) "Official proceeding" means a proceeding heard or which may be or is required to be heard before any legislative, judicial, administrative or other governmental agency or official authorized to take evidence under oath, including any referee, master in chancery, hearing examiner, commissioner, notary or other person taking testimony or deposition in connection with any such proceeding;

(2) "Oath" includes affirmation or any other form of attestation required or authorized by law by which a person acknowledges that he is bound in conscience or law to testify truthfully in an official proceeding or other official matter.

(3) "Material matter" means any subject, regardless of its admissibility under the rules of evidence which could affect the course or outcome of the proceeding. Whether a matter is material in a given factual situation is a question of law.

Section 60. Section 837.01, Florida Statutes, is renumbered and amended to read:

(Substantial rewording of section. See section 837.01, F.S., for present text.)

837.012 Perjury not in an official proceeding.—

(1) Whoever makes a false statement, which the maker does not believe to be true, under oath, not in an official proceeding, in regard to any material matter shall be guilty of a misdemeanor of the first degree, punishable as provided in chapter 775.

(2) Knowledge of the materiality of the statement is not an element of this crime, and the defendant's mistaken belief that his statement was not material is not a defense.

Section 61. Section 837.02, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 837.02, F.S., for present text.)

837.02 Perjury in official proceedings.—

(1) Whoever makes a false statement, which the maker does not believe to be true, under oath in an official proceeding in regard to any material matter shall be guilty of a felony of the third degree, punishable as provided in chapter 775.

(2) Knowledge of the materiality of the statement is not an element of this crime, and the defendant's mistaken belief that his statement was not material is not a defense.

Section 62. Subsection (1) of section 837.021, Florida Statutes, is amended to read:

837.021 Perjury by contradictory statements.—

(1) Whoever, in one or more ~~trials, hearings, investigations, depositions, or affidavits,~~ *official proceedings* ~~in which the making of statements under oath or affirmation is required or authorized by law,~~ willfully makes two or more material statements under oath ~~or affirmation,~~ when in fact two or more of the statements contradict each other, is guilty of a felony of the third degree, punishable as provided in ~~section 775.082, section 775.083, or section 775.084~~ *chapter 775.* The prosecution may proceed in a single count by setting forth the willful making of inconsistent statements under oath ~~or affirmation pursuant to requirement or authorization of law~~ and alleging in the alternative that one or more of them are false.

Section 63. Section 837.05, Florida Statutes, is created to read:

837.05 False reports to law enforcement authorities.—Whoever knowingly gives false information to any law enforcement officer concerning the alleged commission of any crime is guilty of a misdemeanor of the first degree, punishable as provided in chapter 775.

Section 64. Section 837.06, Florida Statutes, is created to read:

837.06 False official statements.—Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in chapter 775.

Section 65. Section 838.014, Florida Statutes, is created to read:

838.014 Definitions.—For the purposes of this chapter, unless a different meaning plainly is required:

(1) "Benefit" means gain or advantage, or anything regarded by the person to be benefited as a gain or advantage, including the doing of an act beneficial to any person in whose welfare he is interested;

(2) "Pecuniary benefit" is benefit in the form of any commission, gift, gratuity, property, commercial interests or any other thing of economic value;

(3) "Harm" means loss, disadvantage or injury to the person affected, including loss, disadvantage or injury to any other person with whose welfare he is interested.

(4) "Public servant" means any public officer, agent, or employee of government, whether elected or appointed, including any executive, legislative or judicial officer; any person who holds an office or position in a political party or political party committee, whether elected or appointed; and any person participating as a special master, receiver, auditor, juror, arbitrator, umpire, referee, consultant, hearing examiner, or otherwise, in performing a governmental function; but the term does not include witnesses. Such term shall include a candidate for election to any such office including the time prior to the election, the time after he is elected and the time after he has qualified. It shall include any person appointed to any of the foregoing offices or employments before and after he qualifies.

(5) "Government" includes the state government and any city or county government or any branch, political subdivision or agency of the state, county or city government;

(6) "Corruptly" means done with a wrongful intent and for the purpose of obtaining any benefit by inducing a public servant to do some act or omission inconsistent with the proper performance of his public duties.

Section 66. Section 838.011, Florida Statutes, is renumbered and amended to read:

(Substantial rewording of section. See section 838.011, F.S., for present text.)

838.015 Bribery.—

(1) "Bribery" means to corruptly give, offer or promise to any public servant, or if a public servant, to corruptly request, solicit, accept or agree to accept for himself or another, any pecuniary or other benefit with an intent or purpose:

(a) To influence the exercise of his official discretion as a public servant on any act, vote, opinion, decision, judgment, recommendation or behavior, in any matter, question, cause or proceeding which may be pending or which may by law be brought before him in his public capacity; or

(b) To influence any act or omission relating to any public duty of such public servant; or

(c) To cause or induce him to use or exert or procure the use or exertion of any influence upon or with any other public servant in relation to any matter, question, cause, or proceeding that may be pending or may by law be brought before such other public servant.

(2) Any person who commits bribery is guilty of a felony in the third degree, punishable as provided in chapter 775.

(3) It is no defense to a prosecution under this section that the person sought to be unlawfully influenced was not qualified to act in the desired way whether because he had not yet assumed office, or lacked jurisdiction or his official action is ultimately determined to have been unnecessary, or for any other reason.

Section 67. Section 838.021, Florida Statutes, is created to read:

838.021 Corruption by threat against public servant.—

(1) Whoever unlawfully harms or threatens unlawful harm to any public servant with the intent or purpose:

(a) To influence the exercise of his official discretion as a public servant on any act, vote, opinion, decision, judgment, recommendation or behavior in any matter, question, cause or proceeding which may be pending or which may by law be brought before him in his public capacity; or

(b) To influence any act or omission relating to any public duty of such public servant; or

(c) To cause or induce him to use or exert or procure the use or exertion of any influence upon or with any other public servant in relation to any matter, question, cause, or proceeding that may be pending or may by law be brought before such other public servant;

shall be guilty of a felony of the third degree, punishable as provided in chapter 775.

(2) It is no defense to a prosecution under this section that the public servant unlawfully threatened or harmed was not qualified to act in the desired way whether because he had not yet assumed office or lacked jurisdiction, or his official action is ultimately determined to have been unnecessary, or for any other reason.

Section 68. Section 838.031, Florida Statutes, is created to read:

838.031 Official misconduct.—

(1) "Official misconduct" means the commission of one of the following acts by a public servant, with corrupt intent to obtain a pecuniary benefit for himself or with corrupt intent to cause unlawful harm to another:

(a) Knowingly refraining or causing another to refrain from performing a duty imposed upon him by law; or

(b) Knowingly falsifying or causing another to falsify any official record or official document; or

(c) Knowingly violating or causing another to violate any statute or lawfully adopted regulation or rule relating to his office.

(2) Official misconduct under this section is a felony of the third degree, punishable as provided in chapter 775.

(3) "Corrupt" means done with knowledge that act is wrongful and with improper motives.

Section 69. Section 838.041, Florida Statutes, is created to read:

838.041 Misuse of confidential information.—Any public servant, who in contemplation of official action by himself or by a governmental unit with which he is associated, or in reliance on information to which he has access in his official capacity and which has not been made public, commits any of the following acts:

(a) The acquisition of a pecuniary interest in any property, transaction, or enterprise or gaining of any pecuniary or other benefit which may be affected by such information or official action; or

(b) Speculation or wagering on the basis of such information or action; or

(c) Aiding another to do any of the foregoing; shall be guilty of a misdemeanor of the first degree, punishable as provided in chapter 775.

Section 70. Whenever any reference is made in the Florida Statutes to an offense being punishable as provided by a specific section or sections of chapter 775, it shall be changed to read "punishable as provided in chapter 775."

Section 71. Section 776.03, Florida Statutes, is renumbered as 777.03, Florida Statutes; sections 779.01, 779.02, 779.03, 779.04, 779.05, 779.06, Florida Statutes, 779.07, Florida Statutes, as amended by section 4, chapter 72-724, Laws of Florida, 779.08, 779.09, 779.10, 779.11, 779.12, 779.13, 779.14, 779.15, 779.16, 779.17, 779.18, 779.19, 779.20 and 779.21, Florida Statutes, are renumbered respectively as sections 876.32, 876.33, 876.34, 876.35, 876.36, 876.37, 876.38, 876.39, 876.40, 876.41, 876.42, 876.43, 876.44, 876.45, 876.46, 876.47, 876.48, 876.49, 876.50, 876.51 and 876.52, Florida Statutes; section 806.06, Florida Statutes, is renumbered as section 817.60, Florida Statutes; section 811.022, Florida Statutes, is renumbered as section 901.27, Florida Statutes; sections 811.165 and 811.201, Florida Statutes, are renumbered respectively as sections 812.051 and 812.061, Florida Statutes; section 814.05, Florida Statutes, is renumbered as section 322.274, Florida Statutes; section 814.07, Florida Statutes, 1972 supplement, as amended by section 1, chapter 72-26, sections 1 and 2, chapter 72-356, Laws of Florida, is renumbered as section 319.36, Florida Statutes; section 823.-03, Florida Statutes, is renumbered as section 806.101, Florida Statutes; section 828.031, Florida Statutes, is renumbered as section 827.02, Florida Statutes; section 828.041, Florida Statutes, is renumbered as section 827.07, Florida Statutes; and section 828.201, Florida Statutes, is renumbered as section 827.08, Florida Statutes.

Section 72. Sections 741.22, 775.11, 775.12, 782.01, 782.02, 782.05, 784.06, 794.02, 794.03, 794.04, 794.05, 794.06, 798.01, 798.02, 798.03, 800.01, 800.02, 800.04, 806.03, 806.04, 806.05, 806.061, 806.07, 806.08, 806.09, 806.11, 806.12, 810.01, 810.03, 810.04, 810.05, 810.051, 811.03, 811.04, 811.163, 811.17, 811.28, 811.29, 811.30 812.10, 812.12, 814.01, 814.02, 814.03, 814.06, 821.01, 821.011, 821.03, 821.04, 821.041, 821.05, 821.07, 821.08, 821.09, 821.10, 821.11 821.12, 821.121, 821.13, 821.14, 821.15, 821.16, 821.17, 821.18, 821.19, 821.20, 821.21, 821.22, 821.221, 821.23, 821.24, 821,25, 821.26, 821.27, 821.28, 821.29, 821.30, 821.31, 821.32, 821.33, 821.34, 821.35, 821.37, 821.38, 822.01, 822.02, 822.03, 822.04 822.05, 822.06, 822.07, 822.08, 822.09, 822.10, 822.11, 822.12, 822.13, 822.14, 822.15, 822.16, 822.17, 822.18, 822.19, 822.20, 822.21, 822.22, 822.23, 823.01, 823.02, 823.04, 823.041, 823.05, 823.06, 823 07, 823.08, 823 09, 823.10, 828.01, 828.03, 828.05, 828.06, 828.07, 828.08, 828.09, 828.10, 828.11, 828.17, 828.18, 828.19, 828.20, 828.21, 833.03, 833.04, Florida Statutes, 833.05, Florida Statutes, 1972 Supplement, as amended by section 2, chapter 72-245, Laws of Florida, 837.01, 837.03, 837.04, 838.01, 838.012, 838.013, 838.02, 838.03, 838.04, 838.05, 838.06, 838.07, 838.071, 838.08, 838.09, 838.10, 851.01, 851.02, 851.03, and 851.04, Florida Statutes, are repealed.

Section 73. This act shall take effect January 1, 1974.

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

Amendment 2—On page 48, line 3, add a new section 38 and (Renumber subsequent sections) and insert the following:

Section 38. Section 810.05, Florida Statutes, is amended by adding a new subsection (2) to read:

810.05 Breaking and entering with intent to commit a misdemeanor.—

(1) Whoever breaks and enters, or enters without breaking, any dwelling or storehouse or any building, ship, vessel, aircraft, or railroad car with intent to commit a misdemeanor shall be guilty of a felony of the third degree, punishable as provided in ~~§775.082, §775.083, or §775.084~~ *chapter 775.*

(2) Whoever attempts to break and enter, or attempts to enter without breaking, any dwelling, storehouse, building, ship, vessel, aircraft, or railroad car with intent to commit a misdemeanor and in such attempt does any act toward the commission of such an offense, but fails in the perpetration, or is intercepted and prevented in the execution of the same, shall be guilty of a felony of the third degree, punishable as provided in chapter 775.

(Renumber subsequent sections)

On motions by Senator Smathers the following amendments were adopted:

Amendment 3—On page 29, lines 10 and 11, strike "or second"

Amendment 4—On page 29, between lines 14 and 15 with subsequent renumbering insert: *(c)* If the offense attempted solicited or conspired to is a felony of the second degree, the person convicted shall be guilty of a felony of the third degree punishable as provided in chapter 775.

Senator Pettigrew moved that the Senate reconsider the vote by which Amendment 4 was adopted and the Senate reconsidered.

Amendment 4 failed.

Senators Pettigrew, McClain and Smathers offered the following amendment which was adopted on motion by Senator Pettigrew:

Amendment 5—On page 29, between lines 14 and 15 with subsequent renumbering insert: (c) If the offense attempted solicited or conspired to is a felony of the second degree or any burglary, the person convicted shall be guilty of a felony of the third degreee punishable as provided in chapter 775.

On motion by Senator Smathers the following amendment was adopted:

Amendment 6—On pages 42 and 43, strike on page 42—43 lines 27 & 28 lines 1—10

Senators Smathers and Sykes offered the following amendment which was adopted on motion by Senator Smathers:

Amendment 7—On page 26, line 21, strike "forcible"

Senator Lane (31st) offered the following amendment which was adopted on motion by Senator Zinkil:

Amendment 8—On page 70 between lines 13 and 14—of Base Amendment insert: 838.032 Failure to perform mandatory duties (1) Any state, county, or municipal officer, or an officer of any other political subdivision of the state, who willfully and knowingly fails and refuses to perform a mandatory duty of such office imposed upon him by law, is guilty of a misdemeanor of the second degree, punishable as provided by section 775.083 or 775.083, Florida Statutes.

Further consideration of HB 2179 as amended was deferred.

SB 248 was taken up and on motion by Senator Vogt—

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

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

On motion by Senator Gillespie the following amendment was adopted:

Amendment 1—On page 5, lines 28 and 29, strike "the United States as a part of"

Pending further consideration of CS for CS for HB 1368 as amended, on motion by Senator Barron the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

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

By Committee on Education and Senator Graham and others—

SB 622—A bill to be entitled An act relating to schools; amending section 229.8055, Florida Statutes; creating a coordinator of environmental education in the division of elementary and secondary education of the department of education; authorizing the commissioner of education to distribute appropriated funds to school district boards or to school principals for environmental education programs; authorizing the coordinator of environmental education to provide technical assistance for the development of proposed environmental education programs; providing for annual review and appraisal; providing an effective date.

Amendment 1—

On page 1, in title line 4, after the word "schools" insert the following: to provide for an omnibus education act

Amendment 2—

On page 4, line 17, insert the following:

Section 2. Section 241.73(2), Florida Statutes, is amended to read:

241.73 Required number of classroom teaching hours for university faculty members.—

(2) Each full-time *equilavent* teaching faculty member at any institution under the supervision of the board of regents who is paid wholly from state funds shall teach a minimum of twelve classroom contact hours per week at such an institution. However, any faculty member who is assigned by his departmental chairman or other appropriate university administrator ~~responsibility for specific research duties or specific duties associated with developing television, video tape, or other specifically assigned innovative teaching techniques or devices or who is assigned responsibility for off campus student internship or work study programs~~ *professional responsibilities and duties in furtherance of the mission of the university* shall teach a minimum number of classroom contact hours in proportion to twelve classroom hours per week as such especially assigned aforementioned duties and responsibilities bear to twelve classroom contact hours per week. Any full-time faculty member who is paid partly from state funds and partly from other funds or appropriations shall teach a minimum number of classroom contact hours in such proportion to twelve classroom contact hours per week as his salary paid from state funds bears to his total salary. In determining the appropriate hourly weighting of assigned duties other than classroom contact hours, the chancellor shall develop, and the institutions shall apply, a formula designed to equate the time required for non-classroom duties with classroom contact hours. "Full-time *equivalent* teaching faculty member" shall be interpreted to mean all faculty personnel budgeted in the instruction and research portion of the budget, *exclusive of those full-time equivalent positions assigned to research, public service, administrative duties, and academic advising.* Full-time administrators, librarians, and counselors shall be exempt from the provisions of this section, and colleges of medicine and law which are required for purposes of accreditation to meet national standards prescribed by the American Medical Association and the American Bar Association shall be exempt from the provisions of this section to the extent that the requirements of this section differ from the requirements of accreditation.

Section 3. Sections 241.731, Florida Statutes, is created to read:

241.731 Evaluations of faculty members; report.—

(1) For the purpose of evaluating faculty members, the board of regents shall promulgate procedures for the assignment of duties and responsibilities to faculty members. These assigned duties or responsibilities shall be conveyed to each faculty member at the beginning of each academic term, in writing, by his departmental chairman or other appropriate university administrator making the assignment. In evaluating the competencies of a faculty member, primary assessment shall be in terms of his performance of the assigned duties and responsibilities, and such evaluation shall be given adequate consideration for the purpose of salary adjustments, promotions, re-employment and tenure. No faculty member who is assigned to full-time teaching as provided by law shall be denied salary adjustments, promotions, re-employment or tenure solely for failure to do research, to publish or to perform other scholarly activities.

(2) The board of regents of the state of Florida shall insure that the following policies are implemented in each institution in the state university system:

(a) Flexible criteria for rewarding faculty members consistent with the institution's educational goals and objectives shall be established, which criteria shall include quality teaching as a major factor in determining salary adjustments, promotions, re-employment or tenure.

(b) Measures shall be taken to increase the recognition, reinforcements, and rewards given quality teaching. Such measures might include grants for professional development, curriculum improvement, and instructional innovation, as well as awards of varying kinds for meritorious teaching.

(c) The means of identifying and evaluating quality teachers shall be determined by each institution in the state university system in accordance with established guidelines of the board of regents.

(3) The board of regents shall provide a detailed report of the implementation of this act not less than sixty days prior to the convening of the regular 1974 legislative session.

and renumber remaining section.

Amendment 3—On page 1 in title line 16 after semi colon insert: relating to institutions of higher learning; amending section 241.73(2), F.S., defining "full-time equivalent teaching faculty member;" creating section 241.731, F.S., requiring that all assigned duties be conveyed in writing; providing that evaluations be based on assigned duties; providing that no denial of promotions, salary adjustments, re-employment, or tenure be solely for failure to do research, publish or perform other scholarly activities; providing objectives for institutions of higher learning; requiring a report to the legislature;

Amendment 4—Following Section 3. insert the following:

Section 4. Section 316.006, Florida Statutes, 1971, Addendum, is amended to read:

316.006 Jurisdiction.—Jurisdiction to control traffic is vested as follows:

(1) STATE.—The department of transportation shall have all original jurisdiction over all state roads, *streets or highways, or other transportation facilities* throughout this state, including those within the grounds of all state institutions, ~~and~~ the boundaries of all dedicated state parks, and *any other state owned facility, and shall* ~~may~~ place and maintain such traffic control devices which conform to its manual and specifications upon all such *facilities* ~~highways~~ as it shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic. *The department of transportation shall plan and place all traffic control devices deemed necessary to insure traffic safety for any public school plant or state controlled facility in the state. The department of transportation shall install such traffic control devices when required by the local school board at least ten (10) days before the opening of any newly constructed public school plant provided the enforcing authority has been notified at the time of contract letting of the construction.*

(2) MUNICIPALITIES.—Chartered municipalities shall have original jurisdiction over all streets and highways *and other transportation facilities* located within their boundaries, except state roads, *and transportation facilities pursuant to subsection (1) of this section,* and *shall* ~~may~~ place and maintain such traffic control devices which conform to the manual and specifications of the department of transportation upon all streets and highways under their original jurisdiction as they shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic. This subsection shall not limit those counties which have the charter powers to provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities from the proper exercise of those powers by the placement and maintenance of traffic-control devices which conform to the manual and specifications of the department of transportation on streets and highways located within municipal boundaries. *The municipality shall install such traffic control devices when required by the school board at least ten (10) days before the opening of any newly*

constructed public school plant, provided the enforcing authority has been notified at the time of contract letting of this construction.

(3) COUNTIES.—Counties shall have original jurisdiction over all streets and highways *and other transportation facilities* located within their boundaries, except all state roads *and facilities pursuant to subsection (1) of this section,* and those streets, ~~and~~ highways, *and transportation facilities located within the boundaries of chartered municipalities,* specified in subsection (2), and ~~may~~ *shall* place and maintain such traffic control devices which conform to the manual and specifications of the department of transportation upon all streets and highways under their original jurisdiction as they shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic. *The county shall install such traffic control devices when required by the school board at least ten (10) days before the opening of any newly constructed public school plant, provided the enforcing authority has been notified at the time of contract letting of the construction.*

And renumber remaining section.

Amendment 5—Following Section 4. insert the following:

Section 5. Subsection (2) of §230.23, Florida Statutes, is amended to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(2) CONTROL PROPERTY.—*Subject to regulations of the state board* retain possession of all property to which title is now held by the school board and to obtain possession of and accept and hold under proper title as a body corporate by the name of "The School Board of County, Florida," all property which may at any time be acquired by the school board for educational purposes in the district; manage and dispose of such property to the best interests of education; contract, sue, receive, purchase, acquire by the institution of condemnation proceedings if necessary, lease, sell, hold, transmit, and convey the title to real and personal property, all contracts to be based on resolutions previously adopted and spread upon the minutes of the school board; receive, hold in trust, and administer for the purpose designated, money, real and personal property, or other things of value granted, conveyed, devised, or bequeathed for the benefit of the schools of the district or of any one of them.

Section 6. Paragraph (h) is added to subsection (5) of section 230.23, Florida Statutes, 1972 Supplement, to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(5) PERSONNEL.—Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of chapter 231:

(h) Awards and incentives.—May provide for recognition of employees who have contributed outstanding and meritorious service in their fields and adopt and implement a program of meritorious service awards to employees who propose procedures or ideas which are adopted and which will result in eliminating or reducing school board expenditures or improving school board operations. The school board is authorized to expend funds for such recognition and awards, provided that no amount in excess of one hundred dollars ($100) may be expended for any single recognition or award and the total amount expended under this provision shall not exceed one thousand dollars ($1,000) in any school year.

Section 7. Paragraph (a) of subsection (2) of section 231.29, Florida Statutes, 1972 Supplement, is amended to read:

231.29 Record of personnel.—

(2) For the purpose of improving the quality of instructional, administrative and supervisory services in the public schools of the state, the superintendant shall establish procedures for assessing the performance of duties and responsibilities of all instructional, administrative and supervisory personnel employed in his district. A complete statement of the criteria and procedure to be used shall be furnished the department and shall include but not be limited to the following provisions:

(a) Assessment for each individual *while on annual contract status in the school district* shall be made at least once a year. *For each individual on continuing contract status in the district, there shall be an in-depth assessment made at least once every three (3) years.*

Section 8. Section 235.04, Florida Statutes, is amended to read:

(Substantial rewording of section. See §235.04, Florida Statutes, for present text.)

235.04 Disposal of school property.

(1) REAL PROPERTY.—Subject to regulations of the state board, the school board may dispose of any school land or real property which is by resolution of such school board determined to be unnecessary for school purposes either because of location, condition, or other cause. The school board shall take diligent measures to dispose of school property only in the best interests of the school district.

(2) TANGIBLE PERSONAL PROPERTY.—Tangible personal property which has been properly classified as surplus by the school board shall be disposed of in accordance with the procedure established by chapter 274. Provided however, that the provisions of chapter 274 shall not be applicable to a motor vehicle used in driver education to which title is obtained for a token amount from an automobile dealer or manufacturer. In such cases, the disposal of the vehicle shall be as prescribed in the contractual agreement between the automotive agency or manufacturer and the school board.

Section 9. Subsection (3) of section 236.03, Florida Statutes, 1972 Supplement, is amended to read:

236.03 Department of education to determine units and recalculation.—

(3) RECALCULATION.—The superintendent in each district of the state shall be required to submit to the department, not later than December 1 of each school year, a report of the average daily attendance for each school for the first two months of the current school year, *except that, in the case of any district operating under a twelve (12) month school program, adjustments to the time period and adjustments to the reporting date may be made by action of the state board.* If in any district the average daily attendance of all pupils in *grades one (1) through twelve (12) in* the district for the first two months of school during the current year, *or the alternate period of time for districts operating twelve (12) month school programs,* when compared with the average daily attendance of all pupils in *grades one (1) through twelve (12) in* the district during the first two months of the preceding school year, *or the alternate period of time for districts operating a twelve (12) month year program,* is greater, the department shall authorize an increase in the amount of state funds allocated for the minimum foundation program for that district by the percentage of increase in the average daily attendance of all pupils in *grades one (1) through twelve (12) in* that district for the first two months of the current school year *or the alternate period of time for districts operating a twelve (12) month school program,* compared to the average daily attendance of all pupils *in grades one (1) through twelve (12)* in that district for the first two months *or alternate period of time for districts operating a twelve (12) month school program* of the preceding school year. All percentages referred to herein shall be computed to the nearest one one hundredth percent, and recalculation funds shall be calculated only on programs where the basic allocation has been determined on prior year attendances and the units including special units resulting therefrom.

Section 10. Paragraph (a) of subsection (4) of section 236.04, Florida Statutes, 1972 Supplement, is amended to read:

236.04 Procedure for determining number of instruction units.—The number of instruction units in each district shall be determined from the average daily attendance in the public schools of the district for the preceding year and from reports on instructional personnel and full-time equivalent students for the ensuing year in the manner prescribed below, provided the attendance of students may not be counted more than once in determining instruction units.

(4) UNITS FOR EXCEPTIONAL CHILDREN.—Each school board shall provide an appropriate program of special instruction for exceptional children; such programs shall be implemented in annual increments so that all exceptional children shall be served by 1973-1974. Instruction units for exceptional children shall be computed as follows:

(a) The term "exceptional children" as used in the Florida School Code means any child or youth who has been certified by a specialist qualified under regulations of the state board of education to examine exceptional children as one who is unsuited for enrollment in a regular class of the public schools or is unable to be adequately educated in the public schools without the provision of special classes, instruction, facilities or related services, or a combination thereof, or may include the gifted. The term "exceptional children" includes the following: The educable mentally retarded, the trainable mentally retarded, the speech impaired, the deaf and hard of hearing, the blind and partially sighted, the crippled and other health impaired, the emotionally disturbed and socially maladjusted, those with specific learning disabilities, and may include the gifted. *The department of education shall establish definite criteria for each category of exceptionality which the district may use to determine the eligibility of a student to be placed in a class for exceptional children or to receive special services to augment instruction in regular classes. The department shall also specify the qualification of the diagnostic and evaluation personnel eligible to make recommendations for each category.* Instruction units for exceptional children shall be computed when the following requirements for participation have been met:

1. Each school board which participates in this program shall submit annually to the department a plan outlining its proposed procedure for the provision of special educational services for exceptional children.

2. No child shall be given special services under the terms of this chapter as an exceptional child until he is properly classified as an exceptional child in keeping with the definition given above. A copy of the report certifying to the child's condition shall be kept on file in the office of the principal of the school in which the child is enrolled.

3. In providing for the education of exceptional children the superintendent, principals, and teachers shall utilize the regular school facilities and adapt them to the needs of exceptional children wherever this is possible. No child shall be segregated and taught apart from normal children until a careful study of the child's case has been made and evidence obtained which indicates that segregation would be for the child's benefit or is necessary because of difficulties involved in teaching the child in a regular class.

4. The principal of the school in which the child is taught shall keep a written record of the case history of each exceptional child showing the reason for the child's withdrawal from the regular class in the public school and his enrollment in or withdrawal from a special class for exceptional children and this record shall be available for inspection by school officials at any time.

and renumber the subsequent section accordingly

Amendment 6

Following Section 10, insert

Section 11. There is hereby created a public broadcasting program system for the state. This program system shall be administered by the department of education pursuant to policies adopted by the state board of education. This program system shall complement and share resources with the instructional programming service of the department of education, and educational UHF, VHF, ITFS and FM stations in the state. This program system shall include, but shall not be limited to:

(1) Complete broadcast service to all areas of the state by educational broadcasting stations;

(2) Maintenance of quality broadcast capability for educational stations which are part of the program system;

(3) Interconnection of all educational stations which are part of the program system for simultaneous broadcast, and of such stations with all universities and other institutions as necessary for sharing of resources and delivery of programming;

(4) Establishment and maintenance of a capability for statewide program distribution with facilities and staff; provided, that such facilities and staff complement and strengthen existing educational television and radio stations and that no systems or services will be created that unduly duplicate those provided by existing educational stations; and

(5) Provision of both statewide programming funds and station programming support for educational television and educational radio to meet statewide priorities. For purposes of this subsection, the department of education shall consider, but is not bound by, recommendations by the educational television advisory council established by section 229.805(3)(b), Florida statutes; provided, however;

(a) With reference to priorities of educational television, such recommendation of the advisory council shall be contingent upon the concurring recommendations of duly authorized representatives of educational UHF and VHF licensees;

(b) With reference to priorities of educational radio, such recommendation of the advisory council shall be contingent upon the concurring recommendations of two-thirds of duly authorized representatives of educational FM licensees; and

(c) Priorities for station programming need not be the same as priorities for programming to be used statewide. Station programming may include but shall not be limited to citizens participation programs, music and fine arts programs, coverage of public hearings and governmental meetings, equal air time for political candidates, and other public interest programming.

Section 3. The department of education is assigned responsibility for implementing the provisions of this act pursuant to Part III, Chapter 287, Florida Statutes, and is authorized to employ personnel, acquire equipment and facilities, and perform all duties necessary for carrying out the purposes and objectives of this act.

and renumber the subsequent section

Amendment 7

On page 1 to the title, line 16, after the semi-colon insert the following: creating a statewide public broadcast program system; authorizing administration of the system by the department of education pursuant to Part III, Chapter 287, Florida Statutes;

Amendment 8

Following Section 11. insert the following: Section 12. Subsection (2) of section 192.012, Florida Statutes, is amended to read:

192.012 Assessment ratio studies.—

(2) For the purpose of determining each school district's share of the minimum foundation program cost for the years 1972 and 1973 under the provisions of §236.07(8)(a), the value of the nonexempt property shall be the sum of the nonexempt real property *(excluding the value of property which is certified to the assessor under §193.052(6), Florida Statutes)*, based on 100 percent assessment as determined by the auditor general, *plus the value of property certified to the assessor under section 193.052(6), Florida Statutes*, plus the value of nonexempt personal property, based on the actual assessment as determined by the tax assessor.

and renumber remaining section.

Amendment 9

On page 1 in title, line 16, following the semicolon insert the following: relating to educational funding; amending section 192.012(2), Florida Statutes, to provide for the inclusion of property certified under subsection 193.052(6), Florida Statutes, in the cost of the minimum foundation program;

Amendment 10

Following Section 12. insert the following and renumber subsequent sections accordingly:

Section 13. Legislative intent.—It is the intent of the legislature to provide local school districts with greater flexibility in purchasing textbooks and related materials. Participation by local school districts in the flexibility program shall in no way

be construed to mean that the local school district's state textbook allocation is more than adequate to finance the district's basic textbook program.

Section 14. Subsection (2) of section 233.34, Florida Statutes, is amended to read:

233.34 Textbook allocation; instructional materials.—

(2) *Notwithstanding any provision of law to the contrary, each* ~~Each~~ school district may use up to *thirty-five (35)* ~~ten (10)~~ percent of its textbook allocation for instructional materials that are not included on the adopted list. Such materials shall be approved by the district school board. The state board of education shall adopt such regulations and procedures relating to these unlisted materials as it deems necessary.

Section 15. Short title.—This act shall be known and may be cited as the teacher education center act of 1973.

Section 16. Purposes, intent, and policy.—

(1) The purposes of this act are to declare a new state policy for the education of teachers and to provide support for the developmental and operational activities required to implement the new policy.

(2) The most important influence the school can contribute to the learning of any student is the attitudes, skills, knowledge and understanding of the teacher. If any change is desired in the nature or quality of the educational programs of the schools it will come about only if teachers play a major role in the change. Teachers can best assist with improving education when they directly and personally participate in identifying needed changes and in designing, developing, implementing and evaluating solutions to meet the identified needs. Historically, the responsibility for operating programs for pre-service teacher education has been assigned to colleges and universities, and responsibility for operating programs for in-service teacher education has been assigned to district school boards.

(3) The education of teachers is inherently a career-long process. It is commonly accepted that teacher education is best carried out through the collaborative efforts of the colleges and universities, the schools, and the community. Because of their nature the most appropriate laboratories for teacher education are the schools and the community.

(4) Effective July 1, 1973, the responsibility for operating programs for pre-service and in-service teacher education is hereby assigned jointly to the colleges and universities, to the district school boards, and to the teaching profession with the colleges and universities having the primary responsibility for operating pre-service programs, the school districts having primary responsibility for operating in-service programs, and with the teaching profession having the responsibility for providing information to make each institution's program meaningful and relevant. In order to facilitate collaboration between colleges and universities and school districts, to ensure appropriate involvement and participation of teachers and to establish procedures for joint utilization of resources available for pre-service and in-service teachers, the state board of education shall issue regulations providing for the establishment of teacher education centers in school districts. There shall be no limitation on the number of centers which may be established in each district. Among the purposes of the teacher education centers shall be to augment present college and university teacher education programs, to augment present school district in-service teacher education programs, and to provide time and opportunity for pre-service and in-service teachers to interact with faculty and staff of the colleges and universities and school districts in their common search for the most beneficial educational experiences for students.

(5) It is the intent of the legislature that this act be liberally construed so as to effectuate its purposes as far as legally and practically possible.

Section 17. Definitions.—As used in this act:

(1) "Center" means the headquarters location and the pre-service and in-service teacher training activities carried out in a school district in a teacher education center as approved by regulations of the state board of education.

(2) "Teacher education" means all experiences or activities carried out to assist individuals in attaining and maintaining skills, knowledge and attitudes which enable them to perform in the professional role of teacher.

(3) "Commissioner" means the commissioner of education.

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

(5) "District" means school district.

(6) "School board" means the governing body of each school district.

(7) "Superintendent" means superintendent of a district school system.

(8) "Teacher" means all professional personnel working toward an educational career or already in education including school administrators, supervisors, counselors, librarians, and others.

(9) "Community" means the residents, organizations, and agencies of the same geographic area served by the local school district.

Section 18. Establishing teacher education centers.—

(1) To effectuate the purposes of this act, the state board of education shall adopt and plan regulations providing for the establishment of teacher education centers. Each teacher education shall be planned, financed and staffed jointly by one (1) or more school districts and by one (1) or more colleges or universities. Community colleges may participate in appropriate phases of teacher education center activities.

(2) The program of each teacher education center shall include but not be limited to the following:

(a) To provide in-service teacher education;

(b) To provide pre-service teacher education;

(c) To prepare and reproduce teacher training materials;

(d) To develop and encourage community participation in educational programs; and

(e) To recommend programs through which provision is made for alternative routes to certification and completion of master's degrees.

(3) Programs offered through teacher education centers shall be approved by the department of education in accordance with appropriate standards and procedures for approval of pre-service and in-service programs for teacher education and to achieve the purposes of this act.

(4) A teacher education center may initiate, in keeping with the standards established by the department of education, any program determined to satisfy a need demonstrated within the school district.

Section 19. State council.—The state board of education shall, within thirty (30) days following the effective date of this act, appoint a state council for teacher education centers.

(1) Membership.—The council shall be composed of twelve (12) members as follows:

(a) Six (6) members shall be classroom teachers;

(b) Two (2) members shall be college or university teacher educators;

(c) One (1) member shall be a district school superintendent;

(d) One (1) member shall be a district school board member; and

(e) Two (2) members shall be representatives of the state department of education.

(2) Terms of appointment.—The terms of appointment for each council member shall be three (3) years and until his successor is appointed and qualified, except in the case of an appointment to fill a vacancy in which case the appointment shall be for the unexpired term; provided, however, that the initial appointments shall be as follows: four (4) members for one (1) year terms; four (4) members for two (2) year terms; four (4) members for three (3) year terms.

(3) Payment of expenses.—Members of the council shall be entitled to receive per diem and expenses for travel as provided in §112.061, Florida Statutes, while carrying out official business of the council.

(4) Duties and responsibilities.—As soon as practical following appointment of the council, the commissioner of education shall call an organizational meeting of the council. From among its members, the council shall elect a chairman, who shall preside over meetings of the council and perform any other duties directed by the council or required by its duly adopted policies or operating procedures. The council shall also perform the following duties and responsibilities:

(a) To recommend to the department of education the most feasible locations for the teacher education centers from proposals submitted by school districts and universities as provided in §4(1);

(b) To recommend guidelines for expenditure of funds for teacher education centers;

(c) To evaluate the progress of teacher education centers including specific programs as provided in §8; and

(d) To perform such other duties as may be required to achieve the purposes of this act.

Section 20. Facilities.—The headquarters location of each teacher education center shall be located in a suitable facility owned or leased by the district school board. The central operation of the teacher education center shall not occupy space which is also regularly used for normal classroom instruction of students.

Section 21. Administration of local teacher education centers.—

(1) Center council.—The local school board shall appoint the members of the council at the teacher education center.

(a) Membership.—The local school board, superintendent, classroom teachers, universities, community agencies, and other interested groups shall recommend the membership of a council at each center of not less than nine (9) members, broadly representative of all groups, provided, however, that classroom teachers shall constitute a majority.

(b) Duties and responsibilities.—The center council shall perform the following duties and responsibilities:

1. To recommend policy and procedures for the teacher education center;

2. To develop goals and objectives for the center within the policies as determined by the local school board;

3. To recommend the employment of an appropriate teacher education center staff; and

4. To make recommendations on an appropriate budget.

(2) School districts.—The school board of each district in which a teacher education center is approved by the department of education shall perform the following duties and responsibilities:

(a) To appoint the members of the teacher education center council;

(b) To adopt policy and procedures for the teacher education center;

(c) To adopt a budget for the teacher education center; and

(d) To appoint the director and staff of the teacher education center.

Section 22. Multidistrict centers.—

(1) In multidistrict centers, council members shall be determined as provided for in section 7; provided, however that a proportionate number of members shall come from each district according to the total number of teachers in each district.

(2) In determining the number of special teacher services units to be allocated for administration and staffing of a teacher education center as provided in section 12, the minimum foundation program instruction units and number of pre-service participants of each participating district shall be added together. A proportionate fraction of the special teacher services units earned shall come from each district.

Section 23. Evaluation.—

(1) Each teacher education center shall submit an annual report to the state council for teacher education centers. This report shall include but not be limited to the following:

(a) Description and evaluation of programs conducted under the supervision of the center;

(b) The number of participants in center program activities;

(c) Description and evaluation of methods of center operations; and

(d) A statement of center expenditures.

(2) The state council shall review the annual reports and submit its evaluation to the state board of education, president of the senate, speaker of the house of representatives, and chairmen of the senate and house committees on education.

Section 24. Funding.—Teacher education centers shall be funded jointly by participating school districts, colleges and universities, the department of education, federal or private grants and donations, fees, and funds from any other appropriate source. The primary funding responsibility shall be as follows:

(1) School districts.—The duties and responsibilities of the school board of each district in which a teacher education center is approved by the department of education shall be:

(a) To provide appropriate and adequate facilities for the operation of the center;

(b) To employ a director and appropriate staff for the center; and

(c) To budget for center activities all appropriate funds for in-service teacher education programs for the district.

(2) Board of regents.—The duties and responsibilities of the board of regents shall be to adopt or cause to be adopted policies and procedures necessary to accomplish the following:

(a) That full time equivalency faculty and nonfaculty positions equal to the student credit hours, undergraduate or graduate, earned by individuals participating in activities of teacher education centers established pursuant to this act shall be allocated to the activities of the centers where generated.

(b) That all appropriate faculty professional activities and services, in addition to student contact hours teaching performed in school districts to effectuate the purposes and intent of this act shall be recognized on the same basis as all other activities or services recognized for faculty rewards, including salary and promotions, and for allocating faculty time for research, counseling and all other nonteaching services.

(c) That the pro-rata amount of nonfaculty support or other resources appropriated for the state university system is allocated for the activities of the approved teacher education center where generated.

(3) Colleges and universities.—Each college and university, public or private, participating in an approved teacher education center shall allocate for the approved college or university activities carried out in the teacher education center full time equivalency faculty time and other appropriate resources equal to the allocation for the same type of activities carried out in on-campus programs.

(4) Department of education.—The department shall not approve any teacher education center unless it is assured that essential teacher training materials, supplies, and equipment required for the pre-service and in-service teacher education programs and activities to be undertaken by the center are available, or will be available at the appropriate locations in the school district. Beginning with the fiscal year 1974-1975 the commissioner shall include in the legislative budget of the department of education a request with detailed justification for the amount of funds necessary to allocate to each authorized teacher education center the appropriate amount for the purchase of the essential teacher training materials, supplies and equipment for evaluation purposes to be carried out during that fiscal year. Funds appropriated to the department of education pursuant to this act shall be used by school districts exclusively for the purchase of teacher training materials, supplies and equipment and for evaluation purposes as re-

quired pursuant to section 9. Provided, however, that nothing above shall be construed to authorize or appropriate any additional funds other than the start-up funds set forth below, it being contemplated that ongoing funding shall come from funds already being expended on teacher education.

Section 25. The state board of education shall submit its report to the legislature prior to March 1, 1974, as to effecting this act. The report shall include any recommendations for financing, staffing, function and role of the teacher education center.

Section 26. Subsection (7) of section 236.04, Florida Statutes, 1972 Supplement, is amended to read:

236.04 Procedure for determining number of instruction units.—The number of instruction units in each district shall be determined from the average daily attendance in the public schools of the district for the preceding year and from reports on instructional personnel and full-time equivalent students for the ensuing year in the manner prescribed below, provided the attendance of students may not be counted more than once in determining instruction units.

(7) UNITS FOR SPECIAL TEACHER SERVICES.—For each eight instruction units in a district, determined as provided in subsections (1)-(6) of this section, one instruction unit or proportionate fraction of a unit shall be allowed for special teacher services which may include but not necessarily be limited to personnel of the following types: Principals, supervising principals, assistant principals, librarians, materials specialists, guidance counselors, deans, physical education teachers, art teachers, music teachers, industrial arts teachers, remedial reading specialists, teachers for special instructional projects such as dramatics, radio, courses on Americanism vs. Communism, visiting teachers, coordinators of districtwide summer educational enrichment programs, psychologists, and other certificated supporting staff, when used in accordance with regulations prescribed by the state board~~.~~*; provided, however, that in school districts which operate a teacher education center approved by the department, additional special teacher services units shall be allocated to the district to provide for a director at each center. One additional special teacher services unit shall be allocated to each district for each combination of minimum foundation instruction units and pre-service participants totaling one thousand (1,000) or a fraction thereof served by the centers during the preceding year.*

Section 27. Noncredit activities.—

(1) All noncredit student contact hours of instruction by faculty of the state university system in teacher education center activities conducted in school districts shall be computed for state appropriation purposes at the same rate as that for upper division credit courses. College or university faculty shall not be eligible for honoraria for consultant or any other services performed in programs or activities of approved teacher education centers.

(2) An amount shall be appropriated to the department of education for the purchase of services from independent colleges or universities and other agencies or individuals appropriate to the program of an approved teacher education center.

Section 28. Section 446.011, Florida Statutes, is amended to read:

(Substantial rewording of section. See §446.011, F. S., for present text.)

446.011 Declaration of legislative intent.—Florida's public policy is to provide educational opportunities for its young people, so that they can be trained for trades, occupations, and professions suited to their abilities. Manpower studies suggest, however, that there are continuing shortages of skilled craftsmen in those trades and occupations where training has traditionally been centered around voluntary apprenticeship programs. In these trades and occupations, a statewide system of training has not been developed to its fullest potential. By broadening job training opportunities and providing for increased coordination between public school academic programs, vocational programs and registered apprenticeship programs, Florida's young people will benefit from the valuable training opportunities that will become increasingly available. This act is intended to develop the apparent potentials in apprenticeship training by establishing preapprenticeship programs in the public school system, and expanding apprenticeship programs so that preapprentice graduates will have greater opportunities to benefit from apprenticeship training. This act is further intended to develop and expand job training opportunities in those occupations not included within the apprenticeable trades. The bureau of apprenticeship will have initial responsibility for the development of the preapprenticeship program uniform minimum standards for each of the apprenticeable trades. The department of education will have the responsibility for developing preapprenticeship programs in compliance with the standards established by the department of commerce.

Section 29. Section 446.021, Florida Statutes, is amended to read:

446.021 Definitions ~~of an apprentice~~.—*As used in this chapter, the following words and terms shall have the following meanings unless the context shall indicate another or different meaning:*

(1) ~~The term~~ "*A*pprentice" ~~as used herein shall~~ means a person at least sixteen years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of craftsmen, which training should be supplemented by properly coordinated studies of related technical and supplementary subjects; who has entered into a written agreement (hereinafter called an apprentice agreement) with ~~an~~ *a registered* apprenticeship sponsor who may be either an employer, an association of employers, or a local joint apprenticeship committee.

(2) "Preapprentice" means any person sixteen (16) years of age or over engaged in any course of instruction in the public school system registered as a preapprenticeship program with the department of commerce.

(3) "Preapprenticeship program" is defined as a course of instruction in the public school system designed to prepare a student sixteen (16) years of age or older who has reached an appropriate level of education for advanced standing in an apprenticeship program.

(4) "Uniform minimum preapprenticeship standards" is defined as the minimum requirements established uniformly for each craft under which the preapprenticeship program will be administered and will include standards of admission, training goals, training objectives, curriculum outlines, objective standards to measure successful completion of the preapprenticeship program, and the percentage of credit that shall be given to preapprenticeship graduates upon acceptance into the apprenticeship program.

Section 30. Section 446.031, Florida Statutes, is amended to read:

446.031 Apprenticeship council; general duties of division.—

(1) There is hereby created a state apprenticeship council, advisory to the division of labor and employment opportunities of the department of commerce, to be composed of ~~ten~~ *twelve (12)* members. The director of the division of labor and employment opportunities shall be ex officio chairman of the council. The ~~supervisor of trade and industrial education~~ *administrator of industrial education* of the department of education shall be appointed a member of the council. In addition thereto, the governor shall appoint ~~four~~ *five (5)* representatives each from employer and employee organizations, respectively, representing ~~the building and construction industry, metal trades and shipyards, printing industry, and aircraft industry~~ *industries having registered apprenticeship programs or in which a need for apprenticeship programs has been demonstrated,* whose terms shall run concurrently with the governor's. Each member of the council shall serve without pay, but shall be allowed necessary expenses, in accordance with state law, incurred in connection with the performance of their official duties.

(2) The division of labor and employment opportunities shall establish standards and policies regarding apprentice programs and agreements; it may issue such rules and regulations ~~as may be~~ necessary to carry out such standards and policies pertaining ~~only~~ to ~~the formal procedure of~~ this chapter. *The council shall meet quarterly but not less than thirty (30) days prior to the annual legislative session.* Not later than March ~~15~~ *1* of each year the division of labor and employment opportunities shall make a report to the governor of its activities and of the activities of the council.

Section 31. Section 446.041, Florida Statutes, is amended to read:

446.041 Apprenticeship program, duties of bureau and department.—

(1) BUREAU OF APPRENTICESHIP.—There is hereby created and established within the division of labor and employment opportunities of the department of commerce a bureau of apprenticeship.

(2) DUTIES OF APPRENTICESHIP BUREAU.—

(a) It is the intent of the legislature that the bureau of apprenticeship of the division of labor and employment opportunities shall directly supervise all apprenticeship programs which are registered with the bureau. To effectuate this intent, the bureau shall:

1. Administer the provisions of this chapter related to apprenticeship and labor standards;

2. Administer the uniform preapprenticeship and apprenticeship standards ~~and training standards~~ established by the department of *commerce*;

3. Register any preapprenticeship educational program, apprenticeship program ~~and training standard,~~ and training agreement which meets the standards established by the department *of commerce*;

4. Investigate complaints concerning failure of any preapprenticeship or apprenticeship program to meet the standards established by the department *of commerce*; and

5. Cancel the registration of any such preapprenticeship educational program or any apprenticeship program which fails to comply with the registered standards of that educational program.

(b) In the event of any complaint that graduates of preapprenticeship programs are consistently failing to meet the normal requirements of apprenticeship programs or that apprenticeship programs are consistently failing to provide ~~educational~~ *apprenticeship training* opportunities for ~~all~~ graduates of preapprenticeship programs, the bureau shall within thirty days hold a public hearing, with advance notice to all parties concerned. Thereafter, within fifteen days, the bureau shall enter an order specifying its findings and directing the steps, if any, which must be taken to cure any defects found to exist. If such order is not obeyed, the bureau shall cancel the registration of the program found to be deficient.

(c) In addition, the bureau *of apprenticeship* shall:

1. Issue to registered preapprentices and apprentices, upon completion of preapprenticeship and apprenticeship, a certificate of completion of preapprenticeship and apprenticeship, respectively;

2. Conduct studies directed toward determining the training standards for preapprentices and apprentices in the different trade and craft areas;

3. Report the findings of the studies to the department *of commerce* for implementation of preapprenticeship and apprenticeship standards;

4. Develop and establish apprenticeship programs in areas where they do not presently exist where a demand for any trade or craft skill is shown to exist;

5. Develop and establish new apprenticeship programs to replace any such programs which have been cancelled or discontinued, or which have failed to ~~accept and give job priority~~ *give primary consideration* to all persons successfully completing *registered* preapprenticeship programs;

6. Cooperate with and assist local appenticeship sponsors in development of their apprenticeship standards and training requirements;

7. Cooperate with and assist the division of vocational education, local school districts, and community colleges in the development of preapprenticeship standards and training requirements that will meet the uniform standards established by the department *of commerce*.

(3) DUTIES OF THE DEPARTMENT OF COMMERCE.—The department of commerce, through cooperation with the department of education, shall establish uniform *minimum* preapprenticeship standards, to include ~~curricula~~ *curriculum outlines*, standards of admission, training standards, ~~and~~ goals~~;~~ ~~and provide for~~ , a uniform objective standard to measure successful completion of such program~~,~~, *percentage of credit that shall be given to preapprentice graduates upon acceptance into an apprenticeship program*, and make such rules and regulations as are necessary to administer the provisions of this chapter. The department shall also establish uniform apprenticeship standards ~~and training standards~~ which shall not be limited to traditional training standards or traditional apprenticeable occupations. No apprenticeship program shall be approved unless the sponsor agrees to give *primary* job ~~priority~~ *consideration* to all preapprenticeship graduates. ~~Finally, it shall be the duty of the department to establish uniform standards for successful completion of preapprenticeship and apprenticeship and prescribe the percentage of credit that shall be given to preapprenticeship trainees upon acceptance into an apprenticeship program.~~ Individual consideration shall be given to each trade or craft, but in no event shall the graduate of a preapprenticeship program be required to repeat any course of instruction which he has successfully completed.

Section 32. Section 446.052, Florida Statutes, is amended to read:

446.052 Preapprenticeship program.—

(1) There is hereby created and established a preapprenticeship education program, *as defined in §446.021, Florida Statutes.* ~~This preapprenticeship program is defined as any course of instruction in the public school system designed to prepare a student sixteen years of age or over who has reached an appropriate level of education for entry into an apprenticeship program.~~

(2) The division of vocational education, under regulations established by the state board of education, is authorized to administer the provisions of this chapter that relate to the preapprenticeship program and to assist district school boards, ~~and~~ community college boards of trustees *and registered apprenticeship sponsors* to develop and establish training programs that include required vocational instruction and necessary general education courses leading to a high school diploma.

(3) An individual who has successfully completed a preapprenticeship program as defined herein shall receive credit towards completion of an apprenticeship program upon acceptance into ~~the~~ *that* program, and shall be entitled to ~~priority in~~ *primary consideration for* admission into any apprenticeship program for which he is qualified, ~~and also job priority, in preference to any person seeking to become an apprentice without completing the preapprenticeship program.~~

(4) Veterans who have received discharges other than dishonorable discharges may, if qualified, receive the same priorities given to registered preapprentices.

Section 33. Section 446.071, Florida Statutes, is amended to read:

446.071 Apprenticeship sponsors.—One or more local apprenticeship sponsors shall be approved in any trade or group of trades by the bureau of apprenticeship whenever a demand is made, provided the apprenticeship sponsor meets all of the standards established by the department and the bureau. A local apprenticeship sponsor may be a committee, a group of employers, an employer, or a group of employees. A local apprenticeship sponsor shall ~~accept~~ *give primary consideration to* all preapprenticeship trainees who have successfully completed a registered preapprenticeship program in accordance with standards established by the department. A registered preapprentice in an apprenticeship program shall receive credit toward completion of the apprenticeship program in accordance with standards established by the department.

Section 34. Section 446.091, Florida Statutes, is amended to read:

446.091 On-the-job training program.—All provisions of this chapter relating to apprenticeship *and preapprenticeship*, including but not limited to programs, agreements, standards, administration, procedures, definitions, expenditures, local committees, council, powers and duties, limitations, grievances, *ratios of apprentices and job trainees to journeymen on state, county and municipal contracts*, and functions of the division of labor and employment opportunities, shall be appropriately adapted and made applicable to a program of on-the-job training hereby authorized for persons other than apprentices.

Section 35. Section 446.101, Florida Statutes, is amended to read:

446.101 Labor standards for ratios of apprentices *or trainees* to journeymen on state, county or municipal contracts.—

(1) PURPOSE.—It is the legislative intent of this act to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices *or trainees*; to extend the application of such standards by encouraging the inclusion thereof in state, county, or municipal contracts; and to bring employers and labor together for the formulation of programs of apprenticeship *and job training*.

(2) DEFINITIONS.—As used in this chapter:

(a) "State agency" means the State of Florida and any executive departments, administrative agencies, or instrumentalities of the state, including any corporation in which all or substantially all of the stock is beneficially owned by the state or by any of the foregoing departments, agencies, or instrumentalities.

(b) "County" or "municipality" means any county of the state, any chartered municipality in the state, and any of the instrumentalities of such counties and municipalities. Specifically included are airports, port authorities, industrial authorities, and other public instrumentalities.

(c) "Contract" means any contract to be performed within the state for work or services entered into by a state agency, county, or municipality or by any other agency or person receiving for such work assistance in the form of grants, loans or guarantees from a state agency, county, or municipality.

(d) "Apprentice" means a person ~~employed and individually~~ registered in an apprenticeship program registered with the bureau of apprenticeship, division of labor and employment opportunities.

(e) "Contractor" or "supplier" includes any contractor, subcontractor, or supplier, regardless of tier, as well as a primary contract or prime contractor, unless otherwise specified.

(f) "Trainee" refers to a person at least sixteen (16) years of age who is engaged in learning a specific skill, trade or occupation within a formalized on-the-job training program as defined in subsection (g) below.

(g) "On-the-job training program" refers to a formalized system of job processes which may be augmented by related instruction that provide the experience and knowledge necessary to meet the training objective of learning a specific skill, trade or occupation. Such training program shall be at least six (6) months and not more than two (2) years in duration and shall be registered with the bureau of apprenticeship of the division of labor and employment opportunities of the department of commerce.

(h) "Journeyman" refers to a person working in an apprenticeable occupation who has successfully completed a registered apprenticeship program or who has a demonstrated proficiency in all phases of that occupation. For non-apprenticeable trades, skills or occupations such term shall refer to a person with demonstrated knowledge, experience and proficiency in that skill, trade or occupation.

(3) APPRENTICE *AND TRAINEE* EMPLOYMENT REQUIREMENTS.—The following contract clauses shall be conditions of each state, county, or municipal contract in excess of $25,000, and each agency, county, or municipality concerned shall include the clauses, or provide for their inclusion, in each such contract.

(a) The contractor agrees:

1. That he will make a diligent effort to hire for the performance of the contract a number of apprentices in each occupation which bears to the average number of the journeymen in that occupation to be employed in the performance of the contract, the ratio of at least one apprentice *or trainee* to every five journeymen.

2. That he will, when feasible, assure that 25 percent of such apprentices *or trainees* are in their first year of training, except when the number of apprentices *or trainees* to be hired is fewer than four. Feasibility here involves a consideration of the availability of training opportunities for first year apprentices *or trainees*, the hazardous nature of the work for beginning workers, and excessive unemployment of apprentices *or trainees* in their second ~~and~~ *or* subsequent years of training.

3. That during the performance of the contract, he will make diligent efforts to employ the number of apprentices *or trainees* necessary to meet requirements of subparagraphs 1. and 2. *However, on-the-job training programs shall only be established in non-apprenticeable trades or occupations to meet the requirements of Section 446.101, Florida Statutes.*

(b) The contractor agrees to return records of employment by trade of the number of apprentices *or trainees*, and apprentices *or trainees* by first year of training and of journeymen and the wages paid and hours of work of such *persons* ~~men~~, on a form as prescribed by the bureau of apprenticeship of the division of labor and employment opportunities at three-month intervals. Submission of duplicate copies of forms submitted to the United States department of labor shall be sufficient compliance with the provisions of this section.

(c) The contractor agrees to supply to the bureau of apprenticeship of the division of labor and employment opportunities, at three-month intervals, a statement describing steps taken toward making a diligent effort and containing a breakdown by craft of hours worked and wages paid for first-year apprentices *or trainees*, other apprentices *or trainees*, and journeymen.

(d) The contractor agrees to insert in any subcontract under this contract the requirements contained in this section. The term "contractor," as used in such clauses and any subcontract shall mean the subcontractor.

(4) CRITERIA FOR MEASURING DILIGENT EFFORT.—The contractors will be determined to have made a diligent effort as required by subsection (3) (a) 3. if, during the performance of his contract, he accomplishes at least one of the following three objectives:

(a) The contractor employs on his project a number of apprentices *or trainees* by craft as required by the contract clauses at least equal to the ratio established in accordance with subsection (3)(a)1.

(b) The contractor employs, on all his public work combined in the labor market area of this project an average number of apprentices *or trainees* by craft *or occupation* as required by the contract clauses at least equal to the ratio established in accordance with subsection (3)(a)1.

(c)1. Before commencement of work on the project, the contractor, if covered by a collective bargaining agreement, will give written notice to all joint apprenticeship committees and the bureau of apprenticeship. The contractor, if not covered by a collective bargaining agreement, will give written notice to all the groups stated above except the joint apprenticeship committees, and will also notify all nonjoint apprenticeship sponsors in the labor market area.

2. The notice will include at least the contractor's name and address, the job site address, the value of the contract, the expected starting and completing dates, the estimated average number of employees in each occupation to be employed over the duration of the contract, and a statement of his willingness to employ a number of apprentices and trainees at least equal to the ratios established in accordance with subsection (3)(a)1.

3. The contractor shall employ all qualified applicants referred to him through normal channels (such as the employment service, the joint apprenticeship committees and, where applicable, minority organizations and apprentice outreach programs who have been delegated this function) at least up to the number of such apprentices and trainees required by the applicable provision of subsection (3)(a)1.

(5) CIVIL PENALTY; CONTRACTOR OR SUPPLIER.—The division of labor and employment opportunities shall assess a civil penalty against any contractor or supplier who breaches the terms of the contract clauses required by this section to be contained in that contract or enters into a contract with any state agency, county, or municipality not containing the contract clauses required by this section. Such civil penalty shall not exceed an amount equal to five (5) percent of the value of such contract and shall be paid into the general revenue fund.

Amendment 11—On page 1, in the title, line 16, after the semicolon, insert:

amending section 233.34, Florida Statutes, 1971, which relates to textbook allocations, to raise from ten percent (10%) to thirty-five percent (35%) the amount of a district's allocation which may be used for material not on the adopted list; providing for the establishment of teacher education centers through regulations to be adopted by the state board of education; establishing a state council for teacher education centers composed of twelve (12) members; providing that existing facilities be used to house teacher education centers; providing for the administration and staffing of teacher education centers; providing for coordination of multidistrict centers; providing for an annual evaluation of teacher education centers; providing for the joint funding of teacher education centers; amending §236.04(7), Florida Statutes, 1972 Supplement, to provide for special teacher services units to be allocated to school districts for teacher education center staffing; providing for state appropriation for noncredit student contact hours of instruction by faculty of the state university system and other noncredit activities; amending §446.011, Florida Statutes, declaring legislative intent; amending §446.021, Florida Statutes, providing definitions; amending $446.031, Florida Statutes, specifying membership and duties of apprenticeship council and duties of the division of labor and employment opportunities; amending §446.041, Florida Statutes, defining duties of bureau of apprenticeship and department of commerce; amending §446.052, Florida Statutes, establishing a preapprenticeship educational program in the public school system; amending §446.071, Florida Statutes, providing duties and standards for apprenticeship sponsors; amending §446.091, Florida Statutes, to expand responsibilites of the bureau of apprenticeship for on-the-job training; amending §446.101, Florida Statutes, by addng subsection (5) to provide for the assessment of a civil penalty by the division of labor and employment opportunities against any contractor or supplier that violates the provisions of §446.101, Florida Statutes; amending §446.101, Florida Statutes, providing additional definitions and expanding the applicability of §446.101, Florida Statutes, to on-the-job training;

Amendment 12—On page 1 Title, line 16, after the semicolon (;) insert the following: amending §§235.04 and 230.23(2), Florida Statutes; providing for disposal of real and personal property of a district school board; providing for state board of education regulations; adding paragraph (h) to §230.23(5), Florida Statutes, 1972 Supplement, to provide for recognition of outstanding service of employees through a system of awards and incentives; amending §231.29(2)(a), Florida Statutes, 1972 Supplement, to provide that each individual on annual contract status in any school district in the state shall have his performance assessed at least once a year, while those on continuing contract shall be assessed in depth at least once every three (3) years; amending subsection 236.03(3), Florida Statutes, 1972 Supplement, providing that the state board of education shall determine the dates to be used for computing district recalculation funds when the district school calendar is different from the standard school year; amending §236.04(4)-(a), Florida Statutes, 1972 Supplement, relating to determination of number of instructional units under the minimum foundation program, to provide for the establishment of criteria for categories of exceptional children;

Amendment 13—On page 1 Title, line 16, after the semicolon (;) insert the following: amending section 316.006, Florida Statutes, 1971, Addendum; providing that the state department of transportation, counties and municipalities shall be responsible for the installation of proper traffic control devices no later than ten (10) days prior to the opening of any newly constructed school plant;

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motion by Senator Barron, the rules were waived and time of adjournment was extended until final action on SB 622.

On motion by Senator Graham, the Senate concurred in House amendment 1 to SB 622.

Senators Graham, Saunders and McClain offered the following amendments to House amendment 2 which were adopted on motions by Senator Graham:

Amendment 2a—On page 2, line 28 insert after the word "law": and others

Amendment 2b—On page 2, line 30 insert after the word "Association": and other professional associations

Amendment 2c—On page 3, line 16 strike after the period (.) all of the last sentence of subsection (1). and insert: A faculty member who is assigned full-time teaching duties as provided by law shall be rewarded with salary adjustments, promotions, re-employment or tenure for meritorious teaching and other scholarly activities related thereto.

On motion by Senator Graham, the Senate concurred in House amendment 2 as amended to SB 622.

On motion by Senator Graham, the Senate concurred in House amendment 3 to SB 622.

On motion by Senator Graham the following substitute amendment for House amendment 4 was adopted:

Amendment 4-1—Strike amendment number 4 and insert: Section 4. Section 235.19, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 235.19, Florida Statutes, for present text.)

235.19 School site planning and selection.—

(1) Before acquiring property for school sites, the school board of any district shall determine the location of proposed public school centers for the district. In making this determination, the school board shall require the superintendent to prepare a comprehensive plan for the district which shall indicate existing and anticipated school needs and the most economical and practicable locations of school sites. The comprehensive plan shall be coordinated with the long-range or comprehensive plans of local, regional and state governmental agencies to assure the compatibility of such plans with school site planning.

(2) The planning and selection of a school site shall include an investigation of the present and projected uses of property adjacent to the proposed school site to assure that such uses are not incompatible with the operation of the proposed school; an investigation of present and projected vehicular traffic and road capabilities in the vicinity of each proposed school site to assure the adequacy of safety and traffic control devices for the protection of children attending the school; and such other studies as may be required by the district school board. In preparing recommendations regarding proposed school sites, the superintendent may secure the services of the department of education or such other assistance as he may find desirable to aid in making a proper selection.

(3) Each new site selected shall be adequate in size to meet the needs of the school to be served. The state board of education shall prescribe by rule minimum standards of size for new sites according to categories of pupil enrollment and other appropriate factors as may be determined by the state board. As far as practicable, any present sites which are not adequate shall be increased to conform to minimum standards for new sites.

(4) School sites recommended for purchase or purchased in accordance with the provisions of chapter 230 shall meet standards prescribed in this chapter and such supplementary standards as may be prescribed by the state board to promote the educational interests of the children. Each site shall be well drained, reasonably free from mud, and the soil shall be adapted to landscaping as well as to playground purposes. Insofar as practicable, the school site shall not be located within any path of flight approach of any airport, or adjoin a right-of-way of any railroad or of any through highway, and shall not be adjacent to any factory or other property from which noise, odors or other disturbances would be likely to interfere with the school program.

(5) It shall be the responsibility of the superintendent to secure the cooperation of appropriate municipal, county, regional, and state governmental agencies in order that all necessary traffic control and safety devices are installed and operating upon or in the vicinity of any proposed public school site prior to the first day of classes in the school, or to satisfy the district school board that every reasonable effort has been made in sufficient time to secure the installation and operation of such necessary devices prior to the first day of classes in the

school. It shall also be the responsibility of the superintendent to review annually the traffic control and safety device needs of each public school in the district and to initiate such efforts as are required to secure all necessary changes indicated by such review.

Section 5. Section 235.34, Florida Statutes, is amended to read:

235.34 ~~Street, sidewalk, sanitary improvements; school plants;~~ *E*xpenditures authorized.—School boards, boards of county commissioners, municipal boards, and other agencies and boards of the state are authorized to expend funds, separately or collectively, by contract or agreement, for the placement, paving, or maintaining of any road, byway, or sidewalk adjacent to or running through the property of any public school. Expenditures may also be made for sanitary improvements *and for the installation, operation and maintenance of traffic control and safety devices upon or in the vicinity of any existing or proposed public school site.* The boards of county commissioners, *municipal boards, and other agencies and boards of the state* may plant ~~and~~ *or* maintain trees, flowers, shrubbery, and beautifying plants upon the school grounds of any public school *upon approval of the superintendent. Payment by a school board for any improvements set forth in this section shall be authorized in any amounts agreed to by the school board. Any payments so authorized to be made by a school board shall not be mandatory unless the specific improvement and its costs have been agreed to by the school board prior to the improvement being made.*

Section 6. Sections 235.20 and 235.21, Florida Statutes, are hereby repealed.

On motion by Senator Stolzenburg the following amendment to the substitute amendment for House amendment 4 was adopted:

Amendment 4-2—On page 3, line 26 insert after "superintendent": , or his designee,

The substitute amendment as amended was adopted.

On motion by Senator Graham the following amendment to House amendment 5 was adopted:

Amendment 5a—Strike all of sections 7, 9 and 10 of the Amendment

On motion by Senator Graham, the Senate concurred in House amendment 5 as amended to SB 622.

On motion by Senator Graham the following amendment to House amendment 6 was adopted:

Amendment 6a—On page 1, in Subsection (5) strike all of paragraphs (a) and (b) and insert:

(a) The advisory council shall allow for full participation of all duly authorized representatives of educational UHF and VHF licensees at all of its meetings, and shall report with its recommendations on priorities to the state department of education the concurring or dissenting view of two-thirds of the duly authorized representatives of educational UHF and VHF licensees.

(b) The advisory council shall allow for full participation of all duly authorized representatives of educational FM licensees at all of its meetings, and shall report with their recommendations on priorities to the state department of education the concurring or dissenting view of two-thirds of the duly authorized representatives of educational FM licensees.

On motion by Senator Graham, the Senate concurred in House amendment 6 as amended to SB 622.

On motion by Senator Graham, the Senate concurred in House amendment 7 to SB 622.

On motions by Senator Graham, the Senate refused to concur in House amendments 8 and 9 to SB 622, and the House was requested to recede therefrom.

On motions by Senator Graham the following amendments to House amendment 10 were adopted:

Amendment 10a—Line 5 Section 14. strike: "thirty-five (35) per cent" and insert: twenty-five (25) per cent

Amendment 10b—Line 1 Section 19 strike: "state board of education" and insert: "governor"

Amendment 10c—Section 26 strike all of Section 26

Amendment 10d—On page 1, line 1 of House Amendment # 10 insert: and renumber subsequent sections:

Section 1. Section 232.23, Florida Statutes, is amended to read:

232.23 *Procedures for maintenance and* transfer of *pupil* records ~~and procedure.~~—

(1) Each principal shall maintain a permanent cumulative record for each pupil enrolled in a public school. Such record shall be maintained in the form, and contain all data, as prescribed by regulations of the state board of education. The cumulative record shall be open to inspection only by the school board, the superintendent, the professional staff of the school, the parent or guardian of the pupil, a court of competent jurisdiction, and to such other persons as the parent, guardian, or principal may authorize in writing.

(2) The procedure for transferring and maintaining records of ~~children~~ *pupils* who transfer from school to school shall be prescribed by regulations of the state board.

Amendment 10e—On page 1, line 1 of House Amendment #10 insert: and renumber subsequent sections:

Section 1. Chapter 230, Florida Statutes, is amended by adding a new §230.758, to read:

230.758 Student records.—Regulations of the state board of education may prescribe the content and custody of limited access records which a community college may maintain on its students. Such records shall be open to inspection only by the student, the parents or guardian of the student, and such members of the professional staff of the college as have responsibility for working with the student. Except as required for use by the president in the discharge of his official responsibilities, the custodian of limited access records may release information from such records only upon authorization, in writing, from the student or upon order of a court of competent jurisdiction.

Section 2. Chapter 230, Florida Statutes, is amended by adding a new §230.7591, to read:

230.7591 Records of personnel.—Regulations of the state board of education may prescribe the content and custody of limited access records which a community college may maintain on its employees. Such records shall be limited to information reflecting evaluations of employee performance and shall be open to inspection only by the employee and by officials of the college who are responsible for supervision of the employee. Except as required for use by the president in the discharge of his official responsibilities, the custodian of limited access employee records may release information from such records only upon authorization, in writing, from the employee or upon order of a court of competent jurisdiction.

Section 3. Chapter 239, Florida Statutes, is amended by adding a new subsection to be appropriately numbered to read:

Student records.—Regulations of the Florida board of regents may prescribe the content and custody of limited access records which an institution in the state university system may maintain on its students. Such records shall be open to inspection only by the student, the parents or guardian of the student, and such members of the professional staff of the institution as have responsibility for working with the student. Except as required for use by the president in the discharge of his official responsibilities, the custodian of limited access records may release information from such records only upon authorization, in writing, from the student or upon order of a court of competent jurisdiction.

Section 4. Chapter 239, Florida Statutes, is amended by adding a new subsection to be appropriately numbered to read:

—Records of personnel.—Regulations of the Florida board of regents may prescribe the content and custody of limited access records which an institution in the state university system may

maintain on its employees. Such records shall be limited to information reflecting evaluations of employee performance and shall be open to inspection only by the employee and by officials of the institution who are responsible for supervision of the employee. Except as required for use by the president in the discharge of his official responsibilities, the custodian of limited access employee records may release information from such records only upon authorization, in writing, from the employee or upon order of a court of competent jurisdiction.

Amendment 10f—On page 1, line 1 of House Amendment #10 insert: and renumber subsequent sections:

Section 1. Section 233.067, Florida Statutes, is amended to read:

(Substantial rewording of section. See Section 233.067, F.S., for present text.)

233.067 Comprehensive health education.—

(1) Short title.—This act shall be known and may be cited as "The Comprehensive Health Education Act of 1973".

(2) Purpose.—The purpose of this act is to foster the development and dissemination of educational activities and materials which will assist Florida students, teachers and administrators in the perception, appreciation and understanding of health principles and problems.

(3) Definitions.—As used in this section, the term "comprehensive health education" shall include but not be limited to such concerns as mental and emotional health, venereal diseases and other communicable diseases, drug abuse (including alcohol and tobacco), environmental health, safety and emergency care, nutrition and food management, personal health and hygiene, dental health, hereditary diseases, developmental disabilities, growth and development, and consumer health and careers.

(4) Administration of the comprehensive health education program.—

(a) There is hereby created a comprehensive health education program for children and youths in kindergarten and grades one through twelve. Responsibility for the administration of a comprehensive health education act shall rest with the department of education, in cooperation with and with the advice of the department of health and rehabilitative services, and the administration of the program shall be pursuant to rules and regulations adopted by the state board of education. In administering this section, the department shall take into consideration the advice of the school health medical advisory committee to the department, the state university and community college system and any official and voluntary health agencies as may be deemed appropriate. The department is authorized to reimburse the members of the committee for travel and per diem expense, as provided by law, when performing advisory services requested by the department.

(b) The comprehensive health education program shall include the following:

1. Implementation of in-service education programs for teachers, administrators, and other persons. In-service teacher education materials and student materials which are based upon individual performance and designed for use with a minimum of supervision shall be developed and made available to all school districts.

2. Reorientation and utilization of existing regional drug education resource centers for use as health education resource centers to assist the department of education in coordinating health education activities in the regions.

3. Design and development of programs for the selection and training of health education instructors from existing teaching staff and the orientation to teaching roles for persons employed in appropriate health fields and community volunteers.

(5) Program development.—Pursuant to policies and regulations to be adopted by the commissioner of education, each district school board, and each school principal through the district school board, may submit to the commissioner a proposed program designed to effectuate an exemplary comprehensive health education project in the district or school. The proposal shall include a statement of the nature of the comprehensive health education program proposed, the number of teachers and students to be involved, an estimate of the cost, a plan for evaluation of the project, the number of years for which the project is to be funded, a plan for integration of the project into the general curricular and financial program of the district at the end of the funded term of years, and such other information as the commissioner shall by regulation require.

(6) Technical assistance.—Upon request of a district school board or any school principal, the department shall provide such technical assistance as is necessary to develop and submit a proposed program for comprehensive health education.

(7) Program review; funding.—The commissioner shall review and approve, disapprove, or resubmit for modification all proposed comprehensive health education programs submitted. For those programs approved, the commissioner shall authorize distribution of funds equal to the cost of the program from funds appropriated to the department of education for comprehensive health education purposes.

(8) Program appraisal required.—The commissioner shall, at least thirty days prior to the 1974 session of the legislature, transmit to members of the state board of education, the president of the senate, the speaker of the house of representatives, and the chairmen of the senate and house committees on health and rehabilitative services and education a statement of the overall comprehensive health education program, criteria for approval of proposed programs or projects, and the recommended level of funding for the overall programs during fiscal year 1974-75. Each year thereafter the commissioner shall transmit to the above-named parties an appraisal of the programs or projects funded under subsection (7) of this section and of the overall comprehensive health education program as to the effectiveness, efficiency, and utilization of resources, including therewith a statement of the overall comprehensive health education program for the coming fiscal year, the recommended level of funding for that year, and any other recommendations deemed by the commissioner to be appropriate.

(9) Non-public personnel permitted to participate.—Teachers or school administrators employed by a non-public school may participate as students in in-service teacher education institutes or curriculum development programs conducted pursuant to this section, provided such participants assume the pro rata share of the cost or charges for tuition.

(10) Student exemption.—Any child whose parent presents to the school principal a signed statement that the teaching of disease, its symptoms, development and treatment, and the use of instructional aids and materials of such subjects, conflicts with his religious beliefs shall be exempt from such instruction, and no child so exempt shall be penalized by reason of such exemption.

(11) Sex education not required.—This section shall not be construed to require the teaching of sex education as a specific area of instruction or as part of health education instruction required by the state board of education.

(12) Use of funds.—In implementing this section, every effort shall be made to combine funds appropriated for this purpose with funds available from all other sources, federal, state, local, or private, in order to achieve maximum benefits for improving health education.

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

Amendment 10g—On page 1, line 1 of House Amendment #10 insert: and renumber subsequent sections:

Section 1. Section 228.071, 1972 Supplement to Florida Statutes, is amended to read:

228.071 Community school program.—

(1) SHORT TITLE.—This section shall be known and may be cited as "the Florida community school act of 1970."

(2) PURPOSE.—The community school is an expression of the philosophy that the school, as the prime educational institution of the community, is most effective when it involves the people of the community in a program designed to fulfill their educational needs. The community school promotes a more efficient use of ~~school facilities~~ *school and other public facilities* through an extension of ~~school~~ personnel, buildings, and equipment. The purpose of this section is to provide state leadership and financial support by encouraging and assisting local school districts in the establishment of community schools.

(3) DEFINITIONS.—The following terms, wherever used or referred to in this section have the following meanings unless a different meaning clearly appears from the context:

(a) "Community school program" means the composite of those services provided to the citizens of the community by official authorization and as specified in the school board's community school plan.

(b) "Community school ~~director"~~ ~~or~~ ~~"community school coordinator"~~ *coordinator"* means ~~a certified teacher~~ *that person* who is employed by a school district on a full-time basis to promote, organize, coordinate and direct a community school program.

(4) COMMUNITY SCHOOL PROGRAM.—Pursuant to policies and regulations to be adopted by the state board of education, each school board may submit to the department a ~~proposal~~ *request* for a community school grant. ~~Each application shall include the following.~~ *A school board applying for a grant shall include in its annual and long-range comprehensive educational plan, as required by law and regulations of the state board of education, a description of its community school program. The district school board shall give priority to the programs serving the maximum number of persons within the limits of resources available and to programs which will allow for matching funds or for joint funding from the federal government of other public or private sources, and which may be efficiently and effectively developed in conjunction with the community school program.*

~~(a) A comprehensive plan for the community school program which may include among other activities, activities for preschool age children, after school hours activities for children and adults, continued and remedial education programs for children and adults, and cultural enrichment and recreational activities for citizens in the community;~~

~~(b) A statement of the estimated number of individuals to be served by the program and the total cost of the program;~~

~~(c) A copy of a resolution of the school board indicating its intention to provide the total cost of the program in excess of the state grant and other anticipated sources of funding, and~~

~~(d) Provisions for a community school director for each community school.~~

(5) ~~REVIEW AND DISPOSITION OF APPLICATION. GRANTS~~ *COMMUNITY SCHOOL GRANTS.* ~~The department shall review and approve, disapprove, or resubmit to the school board for modification all proposed programs submitted.~~ For those programs approved, the department shall authorize distribution of a community school grant not to exceed one half (1/2) of the salary of the community school *coordinator* or ~~director~~ six thousand dollars ($6,000) per school year per community school. ~~Priority shall be given to programs serving the maximum number of persons within the limits of resources available and to programs which will allow for matching funds or for joint funding from the federal government or other public or private sources, including programs coordinated with the department of health and rehabilitative services and which may be efficiently and effectively developed in conjunction with the community school program.~~

~~(6) COMMUNITY SCHOOL DIRECTOR. The community school director or coordinator shall have immediate administrative accountability to the school principal.~~

~~(7)~~*(6)* TECHNICAL ASSISTANCE: CONSULTANTS.—Upon the request of any school board, the department shall provide such technical assistance to the school board as is necessary to develop and submit a community school program. The department may use its own staff or such consultants as may be necessary to accomplish this purpose.

(7) *RECOMMENDATIONS BY COMMISSIONER.—The commissioner shall recommend the level of funding for the community school program each year, and make any other recommendations or reports required by regulations of the state board of education.*

~~(8) ANNUAL REPORT BY COMMISSIONER. The commissioner shall, thirty (30) days prior to each regular session of the legislature, transmit to members of the state board of education, the president of the senate, the speaker of the house of representatives, and the chairmen of the senate and house committees on public school education, an appraisal of the funded programs as to effectiveness, efficiency, and utilization of resources, including therewith a statement of the overall program for the coming fiscal year, the recommended level of funding for the program for that year, and any other recommendations deemed appropriate.~~

~~(9)~~ *(8)* BUDGET.—The department shall include in its legislative budget funds necessary to implement this program.

Amendment 10h—On page 1, line 1 of House Amendment 10 insert: and renumber subsequent sections:

Section 1. Section 229.543, 1972 Supplement to Florida Statutes, is amended to read:

229.543 Purpose; intent.—The purposes of this act are to recognize the emerging educational leadership role represented by school *board members, district administrators, supervisors,* principals, *assistant principals,* vocational education program administrators, and community college administrators; to encourage school districts and community colleges to develop programs for the identification and training of ~~potential~~ school *board members, district administrators, supervisors,* principals, *assistant principals,* vocational education program administrators, ~~and~~ community college administrators; *and persons who are potential candidates for employment in such administrative and supervisory positions;* and to provide matching funds to amounts appropriated by school districts and community colleges for the purpose of implementing such school district and community college programs in order better to meet the educational needs of the students of this state. It is the intent of the legislature that a specific amount shall be allotted each year for the purpose of matching school district and community college funds as herein provided. Approval of local programs and disbursement of matching funds shall be administered by the commissioner of education. It is the intent of the legislature that this act be liberally construed so as to effectuate its purposes as far as legally and practically possible.

Section 2. Subsection (1) of §229.545, 1972 Supplement to Florida Statutes, is amended to read:

229.545 The educational leadership training program.—

(1) Pursuant to policies and regulations to be adopted by the commissioner, each school board may submit to the commissioner a proposed program designed to identify and train ~~potential public~~ school *board members, district administrators, supervisors,* principals, *assistant principals,* vocational education program administrators, ~~and~~ community college administrators, *and persons who are potential candidates for employment in such administrative and supervisory positions,* including therewith a statement of the number of individuals to be included in the program, an itemized statement of the estimated total cost of the program, and a copy of a school board resolution indicating its intention to provide at least one half of the total cost of the program if approved by the commissioner.

Amendment 10i—On page 1, line 1 of House Amendment #10 insert and renumber subsequent sections:

Section 1. Section 233.15, Florida Statutes, is amended to read:

233.15 Deposit by publisher must accompany bid.—The department of education shall require each publisher who submits a bid or proposal for furnishing any book or books under the provisions of this chapter to deposit with the ~~state treasurer~~ *department* such sum of money or certified check as may be determined by the department, the amount to be not less than five hundred dollars ($500) and not more than two thousand five hundred dollars ($2,500), according to the number of books or series of books covered by the proposal, which deposit shall be forfeited to the state for the benefit of the appropriation for the purchase of textbooks if the bidder making the deposit shall fail or refuse to execute such contract and bond within thirty (30) days from date of acceptance in case his bid or proposal is accepted. *The commissioner of education shall, upon determining that the deposit is correct and proper, transmit the deposits to the state treasurer who shall deposit such funds for credit to the textbook bid trust fund and issue his official receipt covering the same.*

Section 2. Subsection (4) of §233.16, Florida Statutes, is amended to read:

233.16 Powers and duties of department of education in purchasing textbooks.—The powers and duties of the department of education in purchasing textbooks shall be:

(4) RETURN OF ~~DEPOSIT~~ *DEPOSITS:* ~~DEPOSIT FORFEITED. When a successful bidding publisher shall have executed contract and submitted the required bond within thirty (30) days after the awarding of the contract, notice of which awarding shall be given by registered letter, the department shall advise the state treasurer, who shall return to the publisher the cash deposit made by him.~~

(a) The successful bidding publisher shall be notified by registered mail of the award of contract and shall, within thirty (30) days of such award, execute the proper contract and post the required bond. When such bond and contract has been executed the department shall notify the state comptroller and request that a warrant be issued against the textbook bid trust fund payable to the successful bidder in the amount deposited under the provisions of §233.15. The state comptroller shall issue and forward such warrant to the department for distribution to the publisher.

(b) At the same time or prior thereto, the department shall inform the state ~~treasurer~~ *comptroller* of the names of the unsuccessful bidders~~, whose deposits shall be returned to them~~. *Upon receipt of such notice the state comptroller shall issue warrants against the textbook bid trust fund payable to the unsuccessful bidders in the amounts deposited under the provisions of §233.15 and forward such warrants to the department for distribution to the unsuccessful bidders.*

(5) DEPOSITS FORFEITED.—Should any successful bidder fail or refuse to execute contract and bond within thirty (30) days after the awarding of the contract the cash deposit shall be forfeited to the state to be placed by the state treasurer to the credit of the appropriation for the purchase of textbooks.

Section 3. Subsection (5) of §233.16, Florida Statutes, is renumbered as subsection (6).

Amendment 10j—On page 1, line 1 of House Amendment #10 insert and renumber subsequent.

Section 1. Production and dissemination of educational materials and products.

(1) It is the intent of the legislature that when educational materials and products are developed by or under the direction of the department of education through research and development or other efforts, including those subject to copyright, patent, or trade-mark, shall be made available for use by teachers, students, administrators and other appropriate persons in the state system of education at the earliest practicable date and in the most economical and efficient manner possible.

(2) To accomplish this objective the department is authorized to publish, produce, or have produced educational materials and products and to make them readily available for appropriate use in the state system of education. The department is authorized to charge an amount adequate to cover the essential cost of producing and disseminating such materials and products in the state system of education and is authorized to sell copies for educational use to non-public schools in the state and to the public.

(3) All proceeds from the sale of such educational materials and products shall be remitted to the state treasurer and shall be kept in a separate fund to be known as "the educational media and technology trust fund" and, when properly budgeted as approved by the legislature and the department of administration, be used to pay the cost of producing and disseminating educational materials and products to carry out the intent of this act.

(4) In cases where the materials or products are of such nature, or the circumstances are such that it is not practicable or feasible for the department to produce or have produced materials and products so developed it is authorized, after review and approval by the board of trustees of the internal improvement fund, to license, lease, assign, sell, or otherwise give written consent to any person, firm or corporation for the manufacture or use thereof, on a royalty basis, or for such other consideration as the department shall deem proper and in the best interest of the state; the department is authorized and directed to protect same against improper or unlawful use or infringement and to enforce the collection of any sums due for the manufacture or use thereof by any other party.

(5) Nothing herein stated shall be construed to allow the department of education to enter into the business of producing or publishing textbooks, or the contents therein, for general use in classrooms.

Amendment 10k—On page 1, line 1 of House Amendment #10 insert: and renumber subsequent sections:

Section 1. College level examinations.—

(1) The board of regents of the division of universities of the department of education is authorized and directed to require each university in the state university system to offer upon request to all students enrolled for the first time at that university, at the time of enrollment, and to make available to all other students, not less than once annually, the college level examination program (CLEP) examinations offered by the college entrance examination board or equivalent examinations in those general subject areas which are required or may be applied toward general education requirements for a baccalaureate degree at that university.

(2) A student satisfactorily completing such examinations shall receive full credit for the course the same as if it had been taken, completed and passed.

Amendment 10l—On page 1, line 1 of House Amendment #10 insert and renumber subsequent sections:

Section 1. Legislative intent.—It is the intent of the legislature that the individual public school should be the basic unit of accountability in Florida. It is further the intent of the legislature to assure that each parent or guardian be informed of the educational progress of the school and becomes aware of areas in need of further improvement.

Section 2. Annual report of progress.—Each public school in every school district shall compile and disseminate an annual report of school progress.

Section 3. Content of the report.—The annual report shall include but not be limited to:

(1) Population data related to the school.

(2) Results of assessment programs, including statewide and district testing conducted at the school.

(3) Fiscal and cost accounting information, when available, on the school's program, including the budget of the school.

(4) Summaries of the attitudes toward the school held by students, teachers, administrators, and parents.

(5) Results of the school's effectiveness in achieving goals established for the school.

(6) Plans and programs for school level professional improvement.

(7) Effectiveness of school advisory committee, where existing, and other parental organization of the school.

(8) Use of the school for community purposes and the use of community facilities for school purposes.

(9) Recommendations for school improvements during the ensuing year.

Section 4. Preparation of the annual report.—Responsibility for preparation of the annual report is vested in the school principal, with the school advisory committee, where existing, or other parental organizations assisting in the preparation.

Section 5. Distribution of the report.—The annual report of school progress shall be distributed by each public school to the parent or guardian of a child attending that school and other interested parties upon request or as determined by the school advisory committee by June 1 of each year.

Section 6. State board to provide guidelines.—The state board of education shall develop guidelines for preparation of the annual report to assure uniformity in the system of reporting, providing that wherever possible present reporting systems will be modified so duplication of information will not be required. The guidelines shall be made available to the district for each public school.

Section 7. Unusually promising innovations to be reported.—Every unusually promising innovation in citizen involvement,

services of parental organizations, and school level improvement described in the annual report shall be reported to the state as part of the district's comprehensive plan.

Amendment 10m—On page 1, line 1 of House Amendment #10 insert: and renumber subsequent sections:

Section 1. Section 230.22, subsection (1), Florida Statutes, is amended to read:

230.22 General powers of school board.—The school board, after considering recommendations submitted by the superintendent, shall exercise the following general powers:

(1) Determine policies and programs.—The school board shall determine and adopt such policies and programs as are deemed necessary by it for the efficient operation and general improvement of the district school system.

(a) In arriving at a determination of policies affecting certificated personnel, the school board may appoint or recognize existing committees composed of members of the teaching profession, as defined in the professional teaching practices act, sections 231.54, 231.55, 231.57-231.59. When such committees are involved in the consideration of policies for resolving problems or reaching agreements affecting certificated personnel the committee membership shall include personnel representing all work levels of instructional and administrative personnel as defined in the school code.

(b) The school board ~~may~~ *shall* establish *a* school advisory *committee or committees* but such school advisory committees shall not have any of the powers and duties now reserved by law to the school board. *The school board shall develop a plan for establishing each school advisory committee, which shall include parents and students, and be broadly representative of the community served by the school. The functions of each school advisory committee, including rules and regulations for its functioning, shall be prescribed by the school board, provided each school advisory committee shall participate with appropriate school personnel in the development of the annual report of school progress as may otherwise be provided by law. Each board shall make an annual evaluation of the effectiveness of each committee established and shall submit its plan and a report of the annual evaluation to the state department of education. The department shall review the reports of annual evaluation to provide to the state board of education and the legislature an annual appraisal as to the effectiveness of school advisory committees and any other information deemed by the department to be appropriate.*

Amendment 10n—On page 1, line 1 of House Amendment #10 insert: and renumber subsequent sections:

Section 1. Legislative intent.—The legislature recognizes that reading is one of the communication skills which facilitates learning in all areas of the curriculum. It further recognizes the need for coordination of developmental reading programs in public schools. In order to make this possible, the legislature intends to provide for the employment and training of reading/language arts resource specialists. Funds shall be allocated to the department of education to be distributed to local school districts for elementary school programs with emphasis being placed on prevention of reading/language arts difficulties.

Section 2. Certification.—The state board of education shall adopt regulations granting certification to those who qualify as reading/language arts resource specialists. Certification shall be granted to those who have had a minimum of three (3) years teaching experience and who:

(1) In the judgment of the state board of education possess the qualifications and the necessary experience to serve in the position; or

(2) Have successfully completed programs approved by the department of education.

Section 3. Duties and responsibilities.—The duties and responsibilities of reading/language arts resource specialists shall include but not be limited to the following:

(1) Assist the principal and classroom teachers in organizing and managing reading as part of the many content areas of the curriculum.

(2) Assist in preparing a school's developmental reading language arts program.

(3) Provide for in-service staff development.

Section 4. Training.—Pursuant to policies and regulations to be adopted by the state board of education:

(1) Colleges of education.—Colleges of education shall develop programs leading to certification of teachers to serve as reading/language arts resource specialists.

(2) Local school districts.—

(a) Each local school district or a combination of districts may submit to the commissioner a proposed program designed to train and employ reading/language arts resource specialists, including therewith a statement of the number of individuals to be included in the program, an itemized statement of the estimated total cost of the program, and a copy of a school board resolution indicating its intention to provide at least one half of the total cost of the program if approved by the commissioner.

(b) Upon the request of any local school district, the department shall provide such technical assistance to the school district as is necessary to develop and submit a proposed program for identification and training of reading/language arts resource specialists. The department may use its own staff or such consultants as may be necessary to accomplish this purpose.

(c) The commissioner shall review and approve, disapprove, or resubmit to the local school district for modification all proposed programs submitted. For those programs approved, the commissioner shall authorize distribution of funds in an amount not to exceed one half of the total cost of the proposed program.

(d) The commissioner shall, at least thirty (30) days prior to each regular session of the legislature, transmit to members of the state board of education, the president of the senate, the speaker of the house of representatives, and the chairmen of the senate and house committees on public school education an appraisal of the funded programs as to effectiveness, efficiency, and utilization of resources, including therewith a statement of the overall program for the coming fiscal year, the recommended level of funding for the program for that year, and any other recommendations deemed by the commissioner to be appropriate.

Amendment 10o—On page 1, line 1 of House Amendment #10, insert: and renumber subsequent sections:

Section 1. Paragraph (d) of subsection (3) of section 231.36, Florida Statutes, 1972 Supplement, is amended to read:

231.36 Contracts with instructional staff.—

(3)

(d) A school board may issue a continuing contract to a *new* member of the instructional staff ~~after two years employment in the district~~ provided such individual has previously held a continuing contract in the same or another district within this state.

On motion by Senator Graham, the Senate concurred in House amendment 10 as amended to SB 622.

On motions by Senator Graham the following title amendments to House amendment 11 were adopted:

Amendment 11a—Strike after the word "amending" down to and including the phrase "state university system and other noncredit activities;" and insert: amending subsection (2) of section 233.34, Florida Statutes, relating to textbook allocations, increasing the amount which may be used for material not on the adopted list; providing for the establishment of teacher education centers; establishing a state council for teacher education centers; providing that existing facilities be used to house teacher education centers; providing for the administration and staffing of teacher education centers; providing for coordination of multidistrict centers; providing for an annual evaluation of teacher education centers; providing for the joint funding of teacher education centers; providing for a report by the department of education; providing for state appropriation for noncredit student contact hours of instruction by faculty of the state university system and other noncredit activities;

Amendment 11b—Line 1 of House amendment 11 insert: amending section 232.23, Florida Statutes, relating to maintenance of permanent cumulative pupil records, providing for limited access to such records;

Amendment 11c—Line 1 of House amendment 11 insert: creating sections 230.758, 230.7591 and two new unnumbered sections in chapter 239, Florida Statutes, providing for maintenance of permanent student and employee personnel records; providing for limited access to such records;

Amendment 11d—Line 1 of House amendment 11 insert: amending section 233.067, Florida Statutes, renamed the comprehensive health education act of 1973, authorizing the distribution of funds for comprehensive health education programs; authorizing technical assistance for the development of proposed comprehensive health education programs; providing for annual review and approval;

Amendment 11e—Line 1 of House amendment 11 insert: amending section 228.071, Florida Statutes, 1972 Supplement, to broaden the scope of the community school program, require inclusion of plans for community school operation in the district comprehensive educational plan, authorize distribution of community school grant funds, and require annual recommendations of the commissioner;

Amendment 11f—Line 1 to House amendment 11 insert: amending sections 229.543 and 229.545(1), Florida Statutes, 1972 Supplement, to provide for leadership training for school board members and potential and inservice school administrators;

Amendment 11g—Line 1 of House amendment 11 insert: amending section 233.15 and 233.16, Florida Statutes; providing procedures for handling deposits of textbook bidders, including receipt, deposit and return;

Amendment 11h—Line 1 of House amendment 11 insert: authorizing and establishing the conditions under which the department of education may produce and disseminate for use in the state system of education materials and products developed by or under the direction of the department, and providing restrictions for publication and production for classroom usage;

Amendment 11i—Line 1 of House amendment 11 insert: creating a new section within chapter 239, Florida Statutes, to provide for college level examination program (CLEP) examinations or equivalent examinations;

Amendment 11j—Line 1 of House Amendment 11 insert: requiring each school to compile and disseminate an annual report of school progress; providing for content of report; assigning responsibility for its preparation; providing for distribution to parents or guardian; requiring the state board of education to develop guidelines;

Amendment 11k—Line 1 of House Amendment 11 insert: amending subsection (1) of section 230.22, Florida Statutes, to provide for establishment of school advisory committees by school board, and for plans, functions and annual evaluation and review;

Amendment 11l—Line 1 of House Amendment 11 insert: providing matching state funds for the support of elementary reading/language arts resource specialists in grades 1-6; directing the state board of education to adopt regulations for the certification of said specialists; providing for specified duties and responsibilities of reading/language arts resource specialists; providing for the training of reading/language arts resource specialists; providing for the approval of plans by the state commissioner of education;

Amendment 11m—Line 1 of House Amendment 11 insert: amending section 231.36(3)(d), Florida Statutes, to allow school boards to issue continuing contracts to new teachers previously employed in a district within the state;

On motion by Senator Graham, the Senate concurred in House amendment 11 as amended to SB 622.

On motion by Senator Graham the following substitute title amendment for House amendment 12 was adopted:

Amendment 12a—On page 1, line 16 after "appraisal;" insert: amending subsection 230.23(2), Florida Statutes, relating to control of school board property; creating paragraph (h) in subsection 230.23(5), Florida Statutes, to provide for recognition of outstanding service of employees through a system of awards and incentives; amending section 235.04, Florida Statutes, relating to disposal of school property;

On motion by Senator Graham the following substitute title amendment for House amendment 13 was adopted:

Amendment 13a—On page 1, line 16 after "appraisal;" insert: amending section 135.19, Florida Statutes, to provide for school site planning and selection, minimum standards of size for new school sites and other minimum standards for school sites, necessary traffic control and safety devices for new and existing public schools; amending section 235.34, Florida Statutes, to authorize certain expenditures by state and local agencies and boards for the improvement of public school sites, including expenditures for traffic control and safety devices; repealing sections 235.20 and 235.21, Florida Statutes, relating to minimum standards of size and other minimum standards for school sites;

Senators Horne and Henderson offered the following amendment which was adopted on motion by Senator Henderson:

Amendment 14—On page 2, lines 11, 12 strike "the department of education shall establish the position of coordinator in environmental education" and insert: there is hereby created a bureau of environmental education

Senators Horne and Henderson offered the following amendment which was adopted on motion by Senator Henderson:

Amendment 15—On page 1 & 3, lines 5-6, 12; 18, 21 strike the word "coordinator" and insert: bureau

SB 622 passed as amended and was certified to the House. The vote was:

Yeas—31

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

Nays—4

Lewis	Plante	Scarborough	Sims

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:41 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—29:

Mr. President	Glisson	Peterson	Vogt
Barron	Gruber	Pettigrew	Ware
Brantley	Henderson	Saunders	Wilson
Childers	Johnson	Scarborough	Winn
de la Parte	Johnston	Sims	Zinkil
Firestone	Lane (31st)	Stolzenburg	
Gallen	Lane (23rd)	Sykes	
Gillespie	Lewis	Trask	

By permission the following was received:

COMMITTEE REPORT

The Committee on Rules and Calendar recommends that the following bills be placed on the Local Calendar for June 1, 1973:

HB 2048	HB 2200	HB 2212	HB 1967
HB 2077	HB 2206	HB 2214	HB 2213
HB 2091	HB 2201	HB 1138	
HB 2125	HB 2209	SB 1354	
HB 2182	HB 2210	HB 2215	

Respectfully submitted,
Dempsey J. Barron, Chairman

The following report submitted for the information of the Senate was ordered filed with the Secretary:

Honorable Mallory E. Horne June 1, 1973
Office of Senate President
The Capitol

Re: Executive Suspension of Municipal Officials

Dear Mr. President:

You have referred to me the following cases of Municipal Officials who were suspended by the Governor by virtue of Article IV, Section 7(c), Florida Constitution, 1968.

BECKETT, John City Commissioner City of Fernandina Beach	RITZ, Robert W. City Councilman City of Inverness
DeLUCCA, Anthony City Councilman City of North Miami	ROBERSON, George L. City Councilman City of Margate
EGAN, William C. Mayor City of Margate	ROHRBACH, Francis City Councilman & Mayor City of North Lauderdale
FASULO, William Chief of Police Dade County	SCHMITT, Arthur H. Chief of Police City of Indian Harbour Beach
HENDERSON, John C. Chief of Police Satellite Beach	SMITH, Curtiss W. City Commissioner City of Fernandina Beach
HOUGH, Robert Mayor City of North Miami	SMITH, J. Hosea City Councilman City of Hialeah
KENNEDY, David Mayor City of Miami	TAYLOR, Oscar N. City Councilman City of Jacksonville
LEE, Joseph S. City Commissioner City of Fernandina Beach	VALENTINE, William City Councilman City of North Miami
MEEKS, James A. City Councilman City of Apopka	WILSON, Mark City Councilman & Vice Mayor City of North Lauderdale
MILANDER, Henry Mayor City of Hialeah	WHITE, Eli City Councilman City of Inverness
ORTON, Richard S. Chief of Police City of Lauderdale Lakes	WOLFE, Morriss Municipal Judge City of Hialeah

Neither the Constitution nor Section 166.16, Florida Statutes, provide for Senate action on those cases (see also page 6, Journal of the Senate, February 17, 1969), but we maintain a file on each one and ascertain, from time to time, the status of each.

The Governor has reinstated the following suspended municipal officials:

HENDERSON, John C.	SMITH, J. Hosea
ORTON, Richard S.	WHITE, Eli
RITZ, Robert W.	WOLFE, Morriss
SCHMITT, Arthur H.	

The following suspended municipal officials were convicted at the trial court level.

MILANDER, Henry	TAYLOR, Oscar N.
ROBERSON, George L.	

In the following cases the suspended municipal officials were either acquitted or their cases were dismissed. They were not reinstated by the Governor but the suspensions terminated by virtue of the Constitution at the end of the term of office.

EGAN, William C.	ROHRBACH, Francis
FASULO, William	WILSON, Mark
MEEKS, James A.	

Our records indicate the following cases are open and have criminal charges pending.

BECKETT, John	LEE, Joseph S.
DeLUCCA, Anthony	SMITH, Curtiss W.
HOUGH, Robert	VALENTINE, William
KENNEDY, David	

Respectfully submitted,
FREDERICK B. KARL,
Special Master on
Executive Suspensions

On motion by Senator Scarborough, CS for HB 687 was withdrawn from the Committee on Judiciary by two-thirds vote and referred to the Committee on Rules and Calendar.

On motion by Senator Wilson, HM 624 was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

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 June 1, 1973

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

By Senator Brantley and others—

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.

which amendment reads as follows:

On page 1, line 14, strike everything on lines 14 through 20 and insert:

Sec. 1. A club license issued pursuant to subsection (6) of section 561.20, Florida Statutes, 1972 Supplement, and subsection (4) of section 565.02, Florida Statutes, 1972 Supplement, shall be issued to the Racquet Club, Inc., a Florida

—and requests the concurrence of the Senate therein.
Allen Morris, Clerk

On motion by Senator Brantley, the Senate concurred in the House amendment to SB 1363.

SB 1363 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—28

Mr. President	Johnson	Pettigrew	Trask
Brantley	Lane (31st)	Plante	Vogt
Firestone	Lane (23rd)	Poston	Ware
Gillespie	Lewis	Sayler	Weber
Glisson	McClain	Scarborough	Wilson
Gruber	Myers	Sims	Winn
Henderson	Peterson	Sykes	Zinkil

Nays—None

By unanimous consent Senator Childers was recorded as voting yea.

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

HB 2091—A bill to be entitled An act relating to the Town of Silver Lake, Lake County; amending chapter 63-1937, Laws of Florida, deleting the provision requiring the town commissioners of the Town of Silver Lake to be owners of real estate in the town; removing the requirement that the mayor of the town be the judge of the municipal court and have jurisdiction over certain offenses; repealing section 10 of Chapter 63-1937, Laws of Florida, relating to taxes on real and personal property; providing that the construction, repair and maintenance of roads are county purposes; redefining the term "qualified elector"; providing that the referendum election relating to the creation of the Town of Silver Lake shall be conducted in a certain manner; providing an effective date.

On motions by Senator Glisson, by two-thirds vote, HB 2091 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—28

Mr. President	Johnson	Pettigrew	Trask
Brantley	Lane (31st)	Plante	Vogt
Firestone	Lane (23rd)	Poston	Ware
Gillespie	Lewis	Sayler	Weber
Glisson	McClain	Scarborough	Wilson
Gruber	Myers	Sims	Winn
Henderson	Peterson	Sykes	Zinkil

Nays—None

By unanimous consent Senator Childers was recorded as voting yea.

SPECIAL ORDER

The Senate resumed consideration of—

HB 2179—A bill to be entitled An act relating to criminal law; creating section 775.011, Florida Statutes, providing for title and applicability; creating section 775.012, Florida Statutes, providing for general purposes; creating section 775.021, Florida Statutes, providing for rules of construction; amending section 775.08, Florida Statutes, providing for classes and definitions of offenses; amending section 775.082, Florida Statutes, as amended by section 1 and 2, chapter 72-118, Laws of Florida, as further amended by section 2, chapter 72-724, Laws of Florida, providing for penalties; amending section 775.083, Florida Statutes, relating to fines; amending subsection (1) of section 775.084, Florida Statutes, relating to subsequent felony offenses; creating section 775.085, Florida Statutes, relating to extended terms; creating section 775.086, Florida Statutes, relating to extended terms for subsequent misdemeanors; creating section 775.087, Florida Statutes, relating to extended terms for possession of weapons or for battery; renumbering and amending section 932.465, Florida Statutes, relating to time limitations; renumbering and amending section 776.011, Florida Statutes, relating to principal in first degree; creating sections 776.012, 776.021, 776.031, 776.041, 776.05, 776.06, 776.07, and 776.08, Florida Statutes, relating to justifiable use of force; renumbering and amending section 776.04, Florida Statutes, 1972 Supplement, as amended by section 1, chapter 72-245, Laws of Florida, relating to attempts, solicitation and conspiracy; amending section 782.04, Florida Statutes, as amended by section 3, chapter 72-724, Laws of Florida, defining the crimes of and providing the penalties for murder; amending section 782.07, Florida Statutes, defining the crime of and providing the penalty for manslaughter; creating section 782.071, Florida Statutes, defining the crime of and penalty for vehicular homicide; renumbering and amending section 784.02, Florida Statutes, defining the crime of and providing the penalty for assault; renumbering and amending section 784.04, Florida Statutes, defining the crime of and providing the penalty for aggravated assault; amending section 784.03, Florida Statutes, defining the crime of and providing the penalty for battery; amending section 784.045, Florida Statutes, defining the crime of and providing the penalty for aggravated battery; amending section 784.05, Florida Statutes, defining the crime of and providing the penalty for culpable negligence; renumbering and amending section 805.02, Florida Statutes, 1972 Supplement, as amended by section 8, chapter 72-724, Laws of Florida, defining the crime of and providing the penalty for kidnapping, renumbering and amending section 805.01, Florida Statutes, defining the crime of and providing the penalty for false imprisonment; creating section 787.03, Florida Statutes, defining the crime of and providing the penalty for interference with custody; amending §790.23, Florida Statutes; providing that it shall be a felony of the second degree for persons convicted of certain crimes to have a firearm or other weapon; providing that it shall be a felony of the third degree for persons convicted of other felonies to have a firearm or other weapon; renumbering and amending section 805.03, Florida Statutes, defining the crime of and providing the penalty for removing children from state; creating section 794.011, Florida Statutes, providing definitions; renumbering and amending section 794.01, Florida Statutes, as amended by section 7, chapter 72-724, Laws of Florida, defining the the crimes of and providing the penalties for rape; creating section 794.031, Florida Statutes, defining the crimes of and providing the penalties for sodomy; creating section 794.041, Florida Statutes, defining the crime of and providing the penalty for sexual battery; renumbering and amending section 800.03, Florida Statutes, relating to public indecency; amending section 806.01, Florida Statutes, defining the crimes of and providing the penalties for arson; amending section 806.02, Florida Statutes, defining the crime of and providing the penalties for malicious mischief; amending section 806.10, Florida Statutes, defining the crime of and providing the penalty for obstructing extinguishment of fire; amending subsection (1) of section 806.111, Florida Statutes, defining the crime of and providing the penalty for possession of fire bombs; creating section 810.011, Florida Statutes, providing for definitions; amending section 810.02, Florida Statutes, defining the crime of and providing the penalties for burglary; amending section 810.06, Florida Statutes, defining the crime of and providing the penalty for possession of burglary tools; amending section 810.07, Florida Statutes, relating to evidence of intent; creating section 810.08, Florida Statutes, defining the crime of and providing the penalty for trespass in structure or conveyance; creating section 810.09, Florida Statutes, defining the crime of and providing the penalty for trespass on property other than structure or conveyance; renumbering and amending section 821.071, Florida Statutes, defining the crime of and providing the penalty for unlawfully removing notices; renumbering and amending 821.02, Florida Statutes, defining the crime of and providing the penalty for placing signs adjacent to highway; renumbering and amending section 813.011, Florida Statutes, defining the crimes of and providing the penalties for robbery; creating section 812.011, Florida Statutes, providing for definitions; renumbering and amending section 811.021, Florida Statutes, defining the crime of and providing the penalty for larceny; renumbering and amending section 811.16, Florida Statutes, defining the crime of and providing the penalty for receiving stolen property; renumbering and amending section 814.04, Florida Statutes, defining the crime of and providing the penalty for unauthorized use of motor vehicle, etc.; renumbering and amending subsection (2) of section 811.165, Florida Statutes, relating to records of purchases and sales; renumbering and amending section 799.01 and 799.02, Florida Statutes, defining the crime of and providing the penalty for bigamy; renumbering and amending section 799.03, Florida Statutes, defining the crime of and providing the penalty for knowingly marrying the spouse of another; creating section 826.04, Florida Statutes, defining the crime of and providing the penalty for incest; creating section 827.01, Florida Statutes, providing for definitions; renumbering and amending section 828.04, Florida Statutes, defining the crime of and providing the penalty for aggravated child abuse; creating section 827.04, Florida Statutes, defining the crime of and providing the penalty for child abuse; renumbering and amending section 828.042, Florida Statutes, defining the crime of and providing the penalty for negligent treatment of children; creating section 827.06, Florida Statutes, defining the crime of and providing the penalty for persistent non-support; creating section 837.011, Florida Statutes, providing for definitions; renumbering and amending section 837.01, Florida Statutes, defining the crime of and providing the penalty for perjury not in an official proceeding; amending section 837.02, Florida Statutes, defining the crime of and providing the penalty for perjury in official proceedings; amending subsection (1) of section 837.021, Florida Statutes, defining the crime of and providing the penalty for perjury by contradictory statements; creating section 837.05, Florida Statutes, defining the crime of and providing the penalty for making false reports to law enforcement authorities; creating section 837.06,

Florida Statutes; defining the crime of and providing the penalty for false official statements; creating section 838.014, Florida Statutes, providing for definitions; renumbering and amending section 838.011, Florida Statutes, defining the crime of and providing the penalty for bribery; creating section 838.021, Florida Statutes, defining the crime of and providing the penalty for corruption by threat against public servant; creating section 838.031, Florida Statutes, defining the crime of and providing the penalty for official misconduct; Creating Section 838.032, Florida Statutes, defining the crime of and providing the penalty for failure of a public officer to perform mandatory duties; creating section 838.041, Florida Statutes, defining the crime of and providing the penalty for misuse of confidential information; providing that reference to punishable as provided in specific section of chapter 775 shall be changed to punishable as provided in chapter 775; renumbering section 776.03, Florida Statutes, as section 777.03, Florida Statutes; renumbering sections 779.01, 779.02, 779.03, 779.04, 779.05, 779.06, Florida Statutes, 779.07, Florida Statutes, as amended by section 4, chapter 72-724, Laws of Florida, 779.08, 779.09, 779.10, 779.11, 779.12, 779.13, 779.14, 779.15, 779.16, 779.17, 779.18, 779.19, 779.20 and 779.21, Florida Statutes, as sections 876.32, 876.33, 876.34, 876.35, 876.36, 876.37, 876.38, 876.39, 876.40, 876.41, 876.42, 876.43, 876.44, 876.45, 876.46, 876.47, 876.48, 876.49, 876.50, 876.51 and 876.52, Florida Statutes, respectively; renumbering sections 798.01, 798.02 and 798.03, Florida Statutes, as sections 794.051, 794.061 and 794.071, Florida Statutes, respectively; renumbering sections 800.01 and 800.02, Florida Statutes, as sections 794.081 and 794.091, Florida Statutes, respectively; renumbering section 806.06, Florida Statutes, as section 817.60, Florida Statutes; renumbering section 811.022, Florida Statutes, as section 901.27, Florida Statutes; renumbering sections 811.165 and 811.201, Florida Statutes, as sections 812.051 and 812.061, Florida Statutes, respectively; renumbering section 814.05, Florida Statutes, as section 322.274, Florida Statutes; renumbering section 814.07, Florida Statutes, 1972 Supplement, as amended by section 1, chapter 72-26 and sections 1 and 2, chapter 72-356, Laws of Florida, as section 319.36, Florida Statutes; renumbering section 823.03, Florida Statutes, as section 806.101, Florida Statutes; renumbering section 828.031, Florida Statutes, as section 827.02, Florida Statutes; renumbering section 828.041, Florida Statutes, as section 827.07, Florida Statutes; and renumbering section 828.201, Florida Statutes as section 827.08, Florida Statutes; repealing section 741.22, Florida Statutes, relating to incest; repealing section 775.11, Florida Statutes, relating to prosecution for second offenses; repealing section 775.12, Florida Statutes, relating to limitation of repeal; repealing sections 782.01, 782.02, and 782.05, Florida Statutes, relating to homicide; repealing section 784.06, Florida Statutes, relating to assault; repealing sections 794.02, 794.03, 794.04, 794.05, and 794.06, Florida Statutes, relating to rape; repealing section 800.04, Florida Statutes, relating to crimes against nature; repealing sections 806.03, 806.04, 806.05, 806.061, 806.07, 806.08, 806.09, 806.11, and 806.12, Florida Statutes, relating to arson; repealing sections 810.01, 810.03, 810.04, 810.05, and 810.051, Florida Statutes, relating to burglary; repealing sections 811.03, 811.04, 811.163, 811.17, 811.28, and 811.29, 811.30, Florida Statutes, relating to larceny; repealing sections 812.10 and 812.12, Florida Statutes, relating to embezzlement; repealing sections 814.01, 814.02, 814.03, and 814.06, Florida Statutes, relating to auto theft; repealing sections 821.01, 821.011, 821.03, 821.04, 821.041, 821.05, 821.07, 821.08, 821.09, 821.10, 821.11, 821.12, 821.121, 821.13, 821.14, 821.15, 821.16, 821.17, 821.18, 821.19, 821.20, 821.21, 821.22, 821.221, 821.23, 821.24, 821.25, 821.26, 821.27, 821.28, 821.29, 821.30, 821.31, 821.32, 821.33, 821,34, 821.35, 821.37, and 821.38, Florida Statutes, relating to trespass and injury to real property; repealing sections 822.01, 822.02, 822.03, 822.04, 822.05, 822.06, 822.07, 822.08, 822.09, 822.10, 822.11, 822.12, 822.13, 822.14, 822.15, 822.16, 822.17, 822.18, 822.19, 822.20, 822.21, 822.22, and 882.23, Florida Statutes, relating to malicious injury to building; repealing sections 823.01, 823.02, 823.04, 823.041, 823.05, 823.06, 823.07, 823.08, 823.09, and 823.10, Florida Statutes, relating to nuisances and doors of certain buildings; repealing sections 828.01, 828.03, 828.05, 828.06, 828.07, 828.08, 828.09, 828.10, 828.11, 828.17, 828.18, 828.19, 828.20, and 828.21, Florida Statutes, relating to cruelty to animals and children; repealing sections 833.03 and 833.04, Florida Statutes, and section 833.05, Florida Statutes, 1972 Supplement, as amended by section 2, chapter 72-245, Laws of Florida, relating to conspiracy; repealing sections 837.01, 837.03, and 837.04, Florida Statutes, relating to perjury; repealing sections 838.01, 838.012, 838.013, 838.02, 838.03, 838.04, 838.05, 838.06, 838.07, 838.071, 838.08, 838.09, and 838.10, Florida Statutes, relating to bribery; repealing sections 851.01, 851.02, 851.03, and 851.04, Florida Statutes, relating to bucket shops; providing an effective date.

On motion by Senator Pettigrew the following amendment was adopted:

Amendment 9—On pages 1-9 strike all of pages one through eight and page 9, lines 1 through 29 and insert:

A bill to be entitled An act relating to criminal law; creating section 775.011, Florida Statutes, providing for title and applicability; creating section 775.012, Florida Statutes, providing for general purposes; creating section 775.021, Florida Statutes, providing for rules of construction; amending section 775.08, Florida Statutes, providing for classes and definitions of offenses; amending section 775.082, Florida Statutes, as amended by section 1 and 2, chapter 72-118, Laws of Florida, as further amended by section 2, chapter 72-724, Laws of Florida, providing for penalties; amending section 775.083, Florida Statutes, relating to fines; amending subsection (1) of section 775.084, Florida Statutes, relating to subsequent felony offenses; creating section 775.085, Florida Statutes, relating to extended terms; creating section 775.086, Florida Statutes, relating to extended terms for subsequent misdemeanors; creating section 775.087, Florida Statutes, relating to extended terms for possession of weapons or for battery; renumbering and amending section 932.465, Florida Statutes, relating to time limitations; renumbering and amending section 776.011, Florida Statutes, relating to principal in first degree; creating sections 776.012, 776.021, 776.031, 776.04, 776.05, 776.06, 776.07, and 776.08, Florida Statutes, relating to justifiable use of force; renumbering and amending section 776.04, Florida Statutes, 1972 Supplement, as amended by section 1, chapter 72-245, Laws of Florida, relating to attempts, solicitation and conspiracy; amending section 782.04, Florida Statutes, as amended by section 3, chapter 72-724, Laws of Florida, defining the crimes of and providing the penalties for murder; amending section 782.07, Florida Statutes, defining the crime of and providing the penalty for manslaughter; creating section 782.071, Florida Statutes, defining the crime of and penalty for vehicular homicide; renumbering and amending section 784.02, Florida Statutes, defining the crime of and providing the penalty for assault; renumbering and amending section 784.04, Florida Statutes, defining the crime of and providing the penalty for aggravated assault; amending section 784.03, Florida Statutes, defining the crime of and providing the penalty for battery; amending section 784.045, Florida Statutes, defining the crime of and providing the penalty for aggravated battery; amending section 784.05, Florida Statutes, defining the crime of and providing the penalty for culpable negligence; renumbering and amending section 805.02, Florida Statutes, 1972 Supplement, as amended by section 8, chapter 72-724, Laws of Florida, defining the crime of and providing the penalty for kidnapping; renumbering and amending section 805.01, Florida Statutes, defining the crime of and providing the penalty for false imprisonment; creating section 787.03, Florida Statutes, defining the crime of and providing the penalty for interference with custody; renumbering and amending section 805.03, Florida Statutes, defining the crime of and providing the penalty for removing children from state; creating section 794.011, Florida Statutes, providing definitions; renumbering and amending section 794.01, Florida Statutes, as amended by section 7, chapter 72-724, Laws of Florida, defining the crimes of and providing the penalties for rape; creating section 794.031, Florida Statutes, defining the crimes of and providing the penalties for sodomy; creating section 794.041, Florida Statutes, defining the crime of and providing the penalty for sexual battery; renumbering and amending section 800.03, Florida Statutes, relating to public indecency; amending section 806.01, Florida Statutes, defining the crimes of and providing the penalties for arson; amending section 806.02, Florida Statutes, defining the crime of and providing the penalties for malicious mischief; amending section 806.10, Florida Statutes, defining the crime of and providing the penalty for obstructing extinguishment of fire; amending subsection (1) of section 806.111, Florida Statutes, defining the crime of and providing the penalty for possession of fire bombs; creating section 810.011, Florida Statutes, providing for definitions; amending section 810.02, Florida Statutes, defining the crime of and providing the penalties for burglary; amending section 810.06, Florida Statutes, defining the crime of and providing the penalty for possession of burglary tools; amending section 810.07, Florida Statutes, relating to evidence of intent; creating section 810.08, Florida Statutes, defining the crime of and providing the penalty for trespass in structure or conveyance; creating section 810.09, Florida Statutes, defining the crime of and providing the penalty for trespass on property other than structure or conveyance; renumbering and amending section 821.071, Florida Statutes, defining the crime of and providing the penalty for unlawfully removing notices; renumbering and amending section 821.02, Florida Statutes, defining the crime of and providing

the penalty for placing signs adjacent to highway; renumbering and amending section 813.011, Florida Statutes, defining the crimes of and providing the penalties for robbery; creating section 812.011, Florida Statutes, providing for definitions; renumbering and amending section 811.021, Florida Statutes, defining the crime of and providing the penalty for larceny; renumbering and amending section 811.16, Florida Statutes, defining the crime of and providing the penalty for receiving stolen property; renumbering and amending section 814.04, Florida Statutes, defining the crime of and providing the penalty for unauthorized use of motor vehicle, etc.; renumbering and amending subsection (2) of section 811.165, Florida Statutes, relating to records of purchases and sales; renumbering and amending section 799.01 and 799.02, Florida Statutes, defining the crime of and providing the penalty for bigamy; renumbering and amending section 799.03, Florida Statutes, defining the crime of and providing the penalty for knowingly marrying the spouse of another; creating section 826.04, Florida Statutes, defining the crime of and providing the penalty for incest; creating section 827.01, Florida Statutes, providing for definitions; renumbering and amending section 828.04, Florida Statutes, defining the crime of and providing the penalty for aggravated child abuse; creating section 827.04, Florida Statutes, defining the crime of and providing the penalty for child abuse; renumbering and amending section 828.042, Florida Statutes, defining the crime of and providing the penalty for negligent treatment of children; creating section 827.06, Florida Statutes, defining the crime of and providing the penalty for persistent nonsupport; creating section 837.011, Florida Statutes, providing for definitions; renumbering and amending section 837.01, Florida Statutes, defining the crime of and providing the penalty for perjury not in an official proceeding; amending section 837.02, Florida Statutes, defining the crime of and providing the penalty for perjury in official proceedings; amending subsection (1) of section 837.021, Florida Statutes, defining the crime of and providing the penalty for perjury by contradictory statements; creating section 837.05, Florida Statutes, defining the crime of and providing the penalty for making false reports to law enforcement authorities; creating section 837.06, Florida Statutes; defining the crime of and providing the penalty for false official statements; creating section 838.014, Florida Statutes, providing for definitions; renumbering and amending section 838.011, Florida Statutes, defining the crime of and providing the penalty for bribery; creating section 838.021, Florida Statutes, defining the crime of and providing the penalty for corruption by threat against public servant; creating section 838.031, Florida Statutes, defining the crime of and providing the penalty for official misconduct; creating section 838.041, Florida Statutes, defining the crime of and providing the penalty for misuse of confidential information; providing that reference to punishable as provided in specific section of chapter 775 shall be changed to punishable as provided in chapter 775; renumbering section 776.03, Florida Statutes, as section 777.03, Florida Statutes; renumber sections 779.01, 779.02, 779.03, 779.04, 779.05, 779.06, Florida Statutes, 779.07, Florida Statutes, as amended by section 4, chapter 72-724, Laws of Florida, 779.08, 779.09, 779.10, 779.11, 779.12, 779.13, 779.14, 779.15, 779.16, 779.17, 779.18, 779.19, 779.20 and 779.21, Florida Statutes, as sections 876.32, 876.33, 876.34, 876.35, 876.36, 876.37, 876.38, 876.39, 876.40, 876.41, 876.42, 876.43, 876.44, 876.45, 876.46, 876.47, 876.48, 876.49, 876.50, 876.51 and 876.52, Florida Statutes, respectively; renumbering section 806.06, Florida Statutes, as section 817.60, Florida Statutes; renumbering section 811.022, Florida Statutes, as section 901.27, Florida Statutes; renumbering sections 811.165 and 811.201, Florida Statutes, as sections 812.051 and 812.061, Florida Statutes, respectively; renumbering section 814.05, Florida Statutes, as section 322.274, Florida Statutes; renumbering section 814.07, Florida Statutes, 1972 Supplement, as amended by section 1, chapter 72-26 and sections 1 and 2, chapter 72-356, Laws of Florida, as section 319.36, Florida Statutes; renumbering section 823.03, Florida Statutes, as section 806.101, Florida Statutes; renumbering section 828.031, Florida Statutes, as section 827.02, Florida Statutes; renumbering section 828.041, Florida Statutes, as section 827.07, Florida Statutes; and renumbering section 828.-201, Florida Statutes, as section 827.08, Florida Statutes; repealing section 741.22, Florida Statutes, relating to incest; repealing section 775.11, Florida Statutes, relating to prosecution for second offenses; repealing section 775.12, Florida Statutes, relating to limitation of repeal; repealing sections 782.01, 782.02, and 782.05, Florida Statutes, relating to homicide; repealing section 784.06, Florida Statutes, relating to assault; repealing sections 794.02, 794.03, 794.04, 794.05, and 794.06, Florida Statutes, relating to rape; repealing sections 798.01, 798.02, and 798.03, Florida Statutes, relating to adultery and fornication; repealing section 800.01, 800.02 and 800.04, Florida Statutes, relating to crimes against nature; repealing sections 806.03, 806.04, 806.05, 806.061, 806.07, 806.08, 806.09 806.11, and 806.12, Florida Statutes, relating to arson; repealing sections 810.01, 810.03, 810.04, 810.05, and 810.051, Florida Statutes, relating to burglary; repealing sections 811.03, 811.04, 811.163, 811.17, 811.28, 811.29 and 811.30, Florida Statutes, relating to larceny; repealing sections 812.10 and 812.12, Florida Statutes, relating to embezzlement; repealing sections 814.01, 814.02, 814.03, and 814.06, Florida Statutes, relating to auto theft; repealing sections 821.01, 821.011, 821.03, 821.04, 821.041, 821.05, 821.07, 821.08, 821.09, 821.10, 821.11, 821.12, 821.121, 821.13, 821.14, 821.15, 821.16, 821.17, 821.18, 821.19, 821.20, 821.21, 821.22, 821.221, 821.23, 821.24, 821.25, 821.26, 821.27, 821.28, 821.29, 821.30, 821.31, 821.32, 821.33, 821.34, 821.35, 821.37, and 821.38, Florida Statutes, relating to trespass and injury to real property; repealing sections 822.01, 822.02, 822.03, 822.04, 822.05, 822.06, 822.07, 822.08, 822.09, 822.10, 822.11, 822.12, 822.13, 822.14, 822.15, 822.16, 822.17, 822.18, 822.19, 822.20, 822.21, 822.22, and 822.23, Florida Statutes, relating to malicious injury to building; repealing sections 823.01, 823.02, 823.04, 823.041, 823.05, 823.06, 823.07, 823.08, 823.09, and 823.10, Florida Statutes, relating to nuisances and doors of certain buildings; repealing sections 828.01, 828.03, 828.05, 828.06, 828.07, 828.08, 828.09, 828.10, 828.11, 828.17, 828.18, 828.19, 828.20, and 828.21, Florida Statutes, relating to cruelty to animals and children; repealing sections 833.03 and 833.04, Florida Statutes, and section 833.05, Florida Statutes, 1972 Supplement, as amended by section 2, chapter 72-245, Laws of Florida, relating to conspiracy; repealing sections 837.01, 837.03, and 837.04, Florida Statutes, relating to perjury; repealing sections 838.01, 838.012, 838.013, 838.02, 838.03, 838.04, 838.05, 838.06, 838.07, 838.071, 838.08, 838.09, and 838.10, Florida Statutes, relating to bribery; repealing sections 851.01, 851.02, 851.03, and 851.04, Florida Statutes, relating to bucket shops; providing an effective date.

On motion by Senator Smathers the following amendment was adopted:

Amendment 10—On page 3, strike lines 20 and 21 and insert: battery;

On motion by Senator Lane (31st), the following amendment was adopted:

Amendment 11—On page 6, line 24 of Title Amendment after semi-colon insert: Creating Section 838.032, Florida Statutes, defining the crime of and providing the penalty for failure of a public officer to perform mandatory duties; renumbering of subsequent lines as necessary

On motion by Senator Myers, by two-thirds vote HB 2179 as amended was read the third time by title and passed. The vote was:

Yeas—24

Mr. President	Henderson	Myers	Sykes
Barron	Johnson	Peterson	Vogt
Firestone	Johnston	Pettigrew	Weber
Gallen	Lane (31st)	Plante	Wilson
Gillespie	Lane (23rd)	Poston	Winn
Gruber	McClain	Sayler	Zinkil

Nays—7

Childers	Glisson	Sims	Ware
Deeb	Lewis	Trask	

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

The bill with amendments was delivered to the engrossing clerk.

The Senate resumed—

CS for CS for HB 1368—A bill to be entitled An act relating to coastal mapping of Florida; providing definitions; providing powers and duties of the department of natural resources; providing a comprehensive and continuous program of coastal boundary mapping which will permit accurate surveys; providing standards for establishment of local tidal datums and

methods of determining mean high-water and mean low-water lines; providing for admissibility as evidence; providing for severability; providing an effective date.

The President Pro Tempore presiding.

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

Amendment 2—On pages 8 and 9, lines 21-30; 1 and 2, strike all of Section 10. Renumber following sections accordingly.

The vote was:

Yeas—14

Firestone	Gruber	Pettigrew	Wilson
Gillespie	Henderson	Plante	Winn
Gordon	Lane (31st)	Sykes	
Graham	Myers	Weber	

Nays—20

Mr. President	Gallen	Peterson	Stolzenburg
Barron	Glisson	Poston	Trask
Childers	Lane (23rd)	Sayler	Vogt
Deeb	Lewis	Sims	Ware
de la Parte	McClain	Smathers	Zinkil

Senator Henderson moved the adoption of the following amendment:

Amendment 3—On page 8, line 26, after "However," insert "in determining title ownership"

Senator Firestone moved that debate on the amendment be limited to 5 minutes per side.

On substitute motion by Senator Sims by two-thirds vote debate was limited to 2 minutes per side.

Amendment 3 failed.

Senator Henderson moved the adoption of the following amendments which failed:

Amendment 4—On page 11, line 19, insert new Section 17:

Section 17. Any funds appropriated for the purpose of this act shall be conditional upon receipt of federal funds of not less than sums heretofore matched on an annual basis.

(Renumber subsequent sections.)

Amendment 5—On page 7, line 10, insert: (3) Nothing provided herein shall be construed as repealing, amending or limiting duties, responsibilities or authority of the Florida Coastal Coordinating Council as stated in Chapter 370.0211.

Senator Weber moved the adoption of the following amendment:

Amendment 6—On page 11, lines 10 through 17 strike all of Section 16 and renumber subsequent sections

Senator Childers moved that debate on the amendment be limited to 2 minutes per side.

On substitute motion by Senator Plante, by two-thirds vote debate was limited to 5 minutes per side.

Amendment 6 failed by the following vote:

Yeas—15

Firestone	Henderson	Pettigrew	Sykes
Gillespie	Johnson	Poston	Weber
Gordon	Lane (31st)	Smathers	Winn
Graham	Myers	Stolzenburg	

Nays—19

Mr. President	de la Parte	Lewis	Vogt
Barron	Gallen	McClain	Ware
Brantley	Glisson	Peterson	Wilson
Childers	Johnston	Scarborough	Zinkil
Deeb	Lane (23rd)	Sims	

On motion by Senator Barron, the Senate reconsidered the vote by which amendment 1 was adopted. The vote was:

Yeas—24

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

Nays—12

Gillespie	Henderson	Myers	Sykes
Gordon	Johnson	Pettigrew	Weber
Graham	Lane (31st)	Plante	Wilson

Amendment 1 failed.

On motion by Senator Vogt, by two-thirds vote CS for CS for HB 1368 was read the third time by title, passed and certified to the House. The vote was:

Yeas—24

Mr. President	Gallen	Peterson	Stolzenburg
Barron	Glisson	Plante	Trask
Brantley	Johnson	Poston	Vogt
Childers	Johnston	Scarborough	Ware
Deeb	Lane (23rd)	Sims	Winn
de la Parte	Lewis	Smathers	Zinkil

Nays—12

Firestone	Graham	McClain	Sykes
Gillespie	Henderson	Myers	Weber
Gordon	Lane (31st)	Pettigrew	Wilson

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

On motion by Senator Barron, the Senate proceeded to—

SPECIAL ORDER—REVISER'S BILLS

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

HB 2069—A reviser's bill to be entitled An act relating to the state judiciary; amending various sections of the Florida Statutes by conforming their language to the terminology relating to courts and judicial officers contained in revised Article V of the state constitution as ratified at the special election held in March, 1972 and chapter 72-404, Laws of Florida, and by removing from said sections language inconsistent with or made unnecessary by said revised Article V; repealing sections of the Florida Statutes, superseded by said revised Article V.

—which was read the second time by title.

The Committee on Rules and Calendar offered the following amendment which was adopted on motion by Senator Firestone:

Amendment 1—On page 39, strike all of lines 24 through 26 inclusive and insert: reports.—*Except as to fines and forfeitures collected in cases involving violations of municipal ordinances or violations of chapter 316, Florida Statutes, committed within a municipality, in which cases such fines and forfeitures shall be paid monthly to the appropriate municipality as provided in section 34.191, Florida Statutes, 1972 Supplement, as created by chapter 72-404, Laws of Florida, and as provided in section*

316.0261, Florida Statutes, 1972 Supplement, as created by chapter 72-69, Laws of Florida, ~~All~~ *all* fines imposed under the penal laws of this state *in all other cases,* and the proceeds of all forfeited bail bonds or recognizances *in all other cases,* shall be paid into the fine

On motion by Senator Zinkil, by two-thirds vote HB 2069 as amended was read the third time by title and passed. The vote was:

Yeas—31

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

Nays—1

Stolzenburg

By unanimous consent Senator Gruber was recorded as voting yea.

The bill with amendment was delivered to the engrossing clerk.

HB 2058—A revisor's bill to be entitled An act relating to the Florida Statutes; amending, reenacting or revising various sections of the Florida Statutes pursuant to §11.242 thereof; to replace incorrect cross-references; to delete obsolete or expired provisions; to delete inconsistencies and to correct errors in the editing, publication and printing of the statutes; repealing sections 7.501, 10.011, 10.021, 10.031, 23.088, 25.072, 26.02, 27.33(4), 27.50(2), 28.2401(3), 32.09, 34.022(2), 53.011, 53.021, 53.031, 53.051, 74.061(2), 99.172(1), 120.331, 122.30(7), 145.071(3), 145.08(3), 145.15, 185.33, 200.121, 215.47, 217.06, 217.08, 217.10, 217.21, 229.77, 236.0741, 238.33, 238.34, 238.35, 238.36, 238.37, 282.01, 282.011, 282.02, 374.96, 398.22(1)(d)3., 401.01, 401.011, 401.012, 401.02, 401.03, 401.04, 401.05, 401.06, 401.07, 401.08, 401.09, 401.10, 401.11, 401.12, 401.13, 401.14, 401.15, 401.16, 401.161, 401.17, 420.1231, 450.121(2), 478.031, 478.071, 478.101, 478.111, 478.32, 550.01, 550.03(1), (2), 551.05, 569.05, 570.10(5), 570.52(2), 573.23(4), 601.153, 608.321, 608.-3211, 608.322, 608.3221, 608.3305, 608.331, 608.3311, 608.333, 608.334, 608.335, 608.3353, 608.336, 631.501, 631.511, 631.521, 631.531, 631.541, 631.551, 631.561, 631.571, 631.581, 631.591, 631.611, 631.621, 631.631, 631.641, 641.651, 631.661, 631.69, 631.-601(1), (2), (3), (4) (a), 694.14(2), 731.02, 732.36(3), 733.16(3), 733.211(2), 736.04, 736.07, 741.18 and 944.55, Florida Statutes, providing reviser's notes following each section.

—was read the second time by title. On motion by Senator Firestone, by two-thirds vote HB 2058 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

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

Nays—None

By unanimous consent Senator Gruber was recorded as voting yea.

HB 2059—A reviser's bill to be entitled An act relating to the state judicial department; amending §§26.55(1), 116.25(1), 123.-051(2)(a), 123.17(1), 127.01(2), 372.312(1), 382.45, 562.40(1), 732.15, 744.064(2), 746.16, 849.38(1) and 849.42, Florida Statutes making cross references to sections of Article V of the state constitution of 1885 conform to the proper sections of the revised Article V; repealing §27.181(5), Florida Statutes, an obsolete provision implementing §§9A-9C of the constitution of 1885 relative to prosecuting attorneys of certain criminal courts of record; and repealing §38.18, Florida Statutes, providing for retirement of additional judges appointed pursuant to §26(7), (8), Article V, 1885 constitution.

—was read the second time by title. On motion by Senator Firestone, by two-thirds vote HB 2059 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

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

Nays—None

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

HB 2060—A reviser's bill to be entitled An act relating to governmental reorganization; amending various sections of the Florida Statutes to reflect the subdivision of the division of personnel and retirement of the department of administration into the division of personnel and the division of retirement; to reflect the change in name of the division of transportation planning of the department of transportation to division of planning and programming; and to reflect the change in the name of the division of finance regulation of the department of banking and finance to the division of finance; providing an effective date.

—was read the second time by title. On motion by Senator Firestone, by two-thirds vote HB 2060 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

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

Nays—None

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

HB 2061—A reviser's bill to be entitled An act relating to Florida Statutes; amending various sections to conform the statutory language to chapter 71-241, Laws of Florida, relating to dissolution of marriage.

—was read the second time by title. On motion by Senator Firestone, by two-thirds vote HB 2061 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

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

Nays—1

Zinkil

By unanimous consent Senator Gruber was recorded as voting yea.

HB 2062—A bill to be entitled An act relating to the regulation of the professions and occupations; conforming the language of various sections of the Florida Statutes to chapter 72-125, Laws of Florida, which provided that no person may be disqualified from applying for an examination to practice an occupation or profession solely because he is not a United States citizen; amending sections 457.041, 463.09, and 465.071(1)(b) and repealing sections 459.06(4) and 474.14(2)(c), Florida Statutes.

—was read the second time by title. On motion by Senator Firestone, by two-thirds vote HB 2062 was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

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

Nays—None

By unanimous consent Senator Gruber was recorded as voting yea.

The President presiding.

HB 2063—A reviser's bill to be entitled An act relating to the Florida Statutes; amending various sections of the Florida Statutes to conform them to chapter 69-1739, Laws of Florida, appearing as §215.685, Florida Statutes, which specifies a maximum rate of interest payable on certain bonds and other obligations; providing an effective date.

—was read the second time by title. On motion by Senator Firestone, by two-thirds vote HB 2063 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

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

Nays—None

By unanimous consent Senator Gruber was recorded as voting yea.

HB 2064—A bill to be entitled An act relating to taxation, corporations; amending sections 125.019(1), 159.15(1), 159.31, 159.50, 183.14, 215.76, 243.33, 315.11, 340.20, 348.122, 348.65, 348.762, 349.13, 403.1834(7), 423.03 and 554.102, all Florida Statutes, granting exemptions from taxation; making said sections inapplicable to corporation income tax imposed by chapter 220, Florida Statutes; providing an effective date.

—was read the second time by title. On motion by Senator Firestone, by two-thirds vote HB 2064 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

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

Nays—None

By unanimous consent Senator Gruber was recorded as voting yea.

HB 2065—A reviser's bill to be entitled An act relating to Article V of the Constitution of 1885, as amended; repealing the provisions of said article which were continued as statute law by subsection (g) of section 20 of the revised Article V approved by the electorate on March 14, 1972.

—was read the second time by title. On motion by Senator Firestone, by two-thirds vote HB 2065 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

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

Nays—None

By unanimous consent Senator Gruber was recorded as voting yea.

HB 2066—A reviser's bill to be entitled An act relating to Florida Statutes; amending various sections to conform the statutory language to the terminology of Public Law 85-857, § 4, relating to the Veterans' Administration and to 38 United States Code §210(a), relating to the Administrator of Veterans' Affairs.

—was read the second time by title. On motion by Senator Firestone, by two-thirds vote HB 2066 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

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

Nays—None

By unanimous consent Senator Gruber was recorded as voting yea.

HB 2067—A reviser's bill to be entitled An act relating to Florida Statutes; amending various sections to conform the statutory language to §3(b), Article III, State Constitution, relating to annual legislative sessions and to §11.013, Florida Statutes, relating to certain reports required of officers of the executive branch.

—was read the second time by title. On motion by Senator Firestone, by two-thirds vote HB 2067 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

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

Nays—None

By unanimous consent Senator Gruber was recorded as voting yea.

HB 2068—A bill to be entitled An act relating to the state judiciary; amending section 43.20, Florida Statutes, to provide for staggered terms of six (6) years for four (4) members added to the judicial qualifications commission by the revised Article V of the state constitution; providing an effective date.

—was read the second time by title. On motion by Senator Firestone, by two-thirds vote HB 2068 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

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

Nays—None

By unanimous consent Senator Gruber was recorded as voting yea.

By unanimous consent Senator Childers was recorded as voting yea on House Bills 1423 and 1168, CS for HB's 2, 41 and 503; and nay on CS for CS for HB's 315 and 376, which passed the Senate on May 31.

LOCAL CALENDAR

HB 2048—A bill to be entitled An act relating to Lake Mary, Seminole County; establishing the municipality of the City of Lake Mary; defining its territorial boundaries; providing for the powers of the city; establishing the city council and form of government; defining the responsibilities of the city manager; providing for administrative departments; establishing financial procedures; outlining procedures for nominations and elections; allowing initiative and referendum procedures; providing for amendments; providing for separability and transitional provisions; providing for a referendum.

—was read the second time by title by two-thirds vote on motion by Senator Wilson.

Senators Vogt and Wilson offered the following amendment which was adopted on motion by Senator Wilson:

Amendment 1—On page 22, line 22, strike "voting in said referendum"

On motion by Senator Wilson, by two-thirds vote HB 2048 as amended was read the third time by title and passed. The vote was:

Yeas—38

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

Nays—None

The bill with amendment was delivered to the engrossing clerk.

HB 2077—A bill to be entitled An act relating to Seminole County; creating the City of Forest City in Seminole County; establishing the corporate limit of the territory included in the city; providing for the form of government; establishing the jurisdiction and powers of the municipal government including the power of annexation of adjacent territory; establishing the process of initiation referendum and recall; providing for election of mayor and city council, preserving the duties and authority of its officers; establishing a fiscal year; providing for the power of taxation and lawful uses of tax money; providing for a referendum.

—was read the second time by title by two-thirds vote on motion by Senator Wilson.

Senators Vogt and Wilson offered the following amendment which was adopted on motion by Senator Wilson:

Amendment 1—On page 28, line 5 strike voting; line 9 strike voting on the question; line 11 strike voting on the question

On motion by Senator Wilson, by two-thirds vote HB 2077 as amended was read the third time by title and passed. The vote was:

Yeas—38

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

Nays—None

The bill with amendment was delivered to the engrossing clerk.

HB 2125—A bill to be entitled An act to amend Sub-paragraphs (a), (b) and (c) of Section 6 of the Municipal Charter of the City of Clearwater, Pinellas County, Florida, being Chapter 9710, Special Acts of Florida, 1923, as amended by Chapter 16363, Sections 1, 2 and 3, Special Acts of Florida, 1933, by Chapter 24432, Section 1 (a), Special Acts of Florida, 1947, by Chapter 65-1387, Section 1, Special Acts of Florida, 1965, by Chapter 69-958, Section 1, Special Acts of Florida, 1969, and by Chapter 70-634, Section 1, Special Acts of Florida, 1970, providing for the redefining of the boundaries and territorial limits of the City of Clearwater, Florida; providing for the severability of the provisions thereof; providing for the repeal of all laws in conflict herewith and providing for the effective date hereof.

On motions by Senator Deeb, by two-thirds vote HB 2125 was read the second time by title and by two-thirds vote the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Sayler

HB 2182—A bill to be entitled An act relating to Escambia County, land use regulations; amending chapter 65-1513, Laws of Florida; authorizing the board of county commissioners to regulate and restrict the use of land in certain areas of the county; providing for a division of the areas into districts; prescribing purposes of regulations and restriction; providing method of adopting, amending, and repealing such regulations; providing for application for certificate; providing method of issuing land use certificates; providing method of

enforcement; providing for an appeal from the rejection of the application; providing an appropriation; providing that violation of this act is a misdemeanor; providing an effective date.

On motions by Senator Childers, by two-thirds vote HB 2182 was read the second time by title and by two-thirds vote the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

HB 2200—A bill to be entitled An act relating to the City of Pensacola, Escambia County; regulating the working hours of firemen of the city; providing a fifty-six (56) hour work week; providing for overtime pay for firemen; providing for the minimum number of firemen; providing for the same numbers of apparatus; providing for no reduction of services; repealing all laws in conflict; providing an effective date.

On motions by Senator Childers, by two-thirds vote HB 2200 was read the second time by title and by two-thirds vote the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Gillespie

HB 2206—A bill to be entitled An act relating to the City of Marianna, Jackson County; establishing the Marianna Downtown Development Authority as a body corporate; prescribing the boundaries of the downtown area and the method of changing these boundaries; prescribing the number, qualifications, term, and methods of appointment or election and removal of members; providing for filling vacancies in office, for service without compensation, for reimbursement of expenses, for bonding, and for personal liability in certain instances; providing for bylaws and internal governance of the board; prescribing its functions and powers, including powers to acquire, own, lease, mortgage, and dispose of property; requesting the City of Marianna to exercise its eminent domain power for public purposes; providing for issuing, selling and providing security for revenue certificates and general obligation bonds; providing for fixing, regulating, and collecting rates and charges; providing for borrowing on short and long term; providing for maintenance of offices; providing for employment and prescribing the duties, authority, tenure, compensation, and expense reimbursement of a director and other staff with authority to exercise all necessary incidental powers; establishing development and taxing subdistricts; prescribing for the city to levy in each fiscal year an ad valorem property tax of not more than three (3) mills on nonhomestead exempt property to finance board operations; providing for assessment and collection thereof by the county tax collector; requiring maintenance of records, budget and fiscal management; forbidding participation on behalf of the board by personnel financially interested in the matter involved; providing provision for governing issuance of revenue certificates; providing provision for governing issuance of bonds; providing for succession by the city to the property and certain functions of the board if it ceases to exist or operate; providing for liberal construction and severability; providing for a referendum.

On motions by Senator Barron, by two-thirds vote HB 2206 was read the second time by title and by two-thirds vote the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Gillespie

HB 2201—A bill to be entitled An act relating to the City of Casselberry, Seminole County, Florida; repealing Chapter 72-500, Laws of Florida; providing an effective date.

On motions by Senator Wilson, by two-thirds vote HB 2201 was read the second time by title and by two-thirds vote the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Gillespie

HB 2209—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; providing that vendors holding malt beverage off-premises sales licenses under state beverage laws shall be subject to alcoholic beverage zoning ordinances of the City of Tampa; providing an effective date.

On motions by Senator Lane (23rd), by two-thirds vote HB 2209 was read the second time by title and by two-thirds vote the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

HB 2210—A bill to be entitled An act relating to Escambia County; providing for the creation of a water and sewer advisory board for the purpose of reviewing operations and making recommendations to privately or publicly owned water and sewerage systems; providing for development of plans and programs designed to construct and expand water systems and sewerage systems to serve the urban areas of the county; providing for review of rates, fees, special assessments and charges for the benefit, use of, and for the serv-

ices furnished by any water system, sewerage system, or sewerage disposal system operated by private ownership or public ownership; requiring the filing of certain annual reports; describing the powers and duties of the authority in connection with the foregoing; providing for funding of such board; providing an effective date.

On motions by Senator Childers, by two-thirds vote HB 2210 was read the second time by title and by two-thirds vote the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

HB 2212—A bill to be entitled An act relating to Escambia County; authorizing the board of county commissioners to enter into agreements with insurance companies for the purpose of procuring group life insurance for retired county employees; authorizing the expenditure of county funds to pay the premiums of said insurance; providing an effective date.

On motions by Senator Childers, by two-thirds vote HB 2212 was read the second time by title and by two-thirds vote the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

HB 2214—A bill to be entitled An act relating to the Escambia County civil service board; amending §§1, 3, 5, 12(1), 17(6), and 23 of chapter 67-1370, Laws of Florida; providing for payment of certain expenses of members of the board; repealing certain restrictions on board members; providing for classification of county personnel; providing for status of present and future employees; providing for coverage of employees of previously existing agencies which are phased into county government; providing for anniversary dates for provisional appointments; providing for reporting of payrolls to civil service board; providing for guidelines for political activities by civil service employees; providing procedures for becoming candidates for public office; prohibiting certain political activities; providing an effective date.

On motions by Senator Childers, by two-thirds vote HB 2214 was read the second time by title and by two-thirds vote the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

Consideration of SB 1362 was deferred.

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

—was read the second time by title.

Senators Lane (23rd) and McClain offered the following amendments which were adopted on motions by Senator McClain:

Amendment 1—On page 2, line 16, after the word "degree" and before the word "and" insert: in public administration, management, and related fields

Amendment 2—On page 2, line 17, strike period "(.)" and insert: ; provided, however, this section shall not affect any person currently serving in the capacity of county administrator, executive assistant or county manager.

On motion by Senator Lane (23rd), by two-thirds vote HB 2186 as amended was read the third time by title and passed. The vote was:

Yeas—38

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

Nays—None

The bill with amendments was delivered to the engrossing clerk.

On motions by Senator Weber House Bills 1917 and 1933 were indefinitely postponed.

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

—was read the second time by title. On motion by Senator Lane (23rd), by two-thirds vote HB 2198 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

HB 1138—A bill to be entitled An act relating to Orange County, Florida, ratifying, confirming and validating $3,000,000 capital improvement bonds of the County, the pledge for the payment of such bonds and interest thereon of the portion of the race track funds and jai alai fronton funds accruing

annually to Orange County under the provisions of Chapters 550 and 551, Florida Statutes and allocated to the Board of County Commissioners of the County by law, and all acts and proceedings taken and had by the Board of County Commissioners of the County in connection with the authorization and issuance of the capital improvement bonds; providing an effective date.

—was read the second time by title. On motion by Senator Sims, by two-thirds vote HB 1138 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

SB 1354—A bill to be entitled An act relating to Levy County; increasing the fee of auto tag agents in the City of Chiefland and in the City of Williston on tag applications; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote SB 1354 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

HB 2215—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; providing for the calling, holding, conduct, and regulation of municipal elections; providing for penalties; providing an effective date.

On motions by Senator Lane (23rd), by two-thirds vote HB 2215 was read the second time by title and by two-thirds vote the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Gillespie

HB 1967—A bill to be entitled An act relating to Citrus, Dixie, Levy, and Taylor Counties; limiting the number of traps which may be used for stone crab fishing on any one (1) boat; providing a penalty; providing an effective date.

—was read the second time by title.

On motion by Senator Peterson the following amendment was adopted:

Amendment 1—On page 1, line 18, strike Section 2 in its entirety and renumber subsequent sections.

On motion by Senator Peterson, by two-thirds vote HB 1967 as amended was read the third time by title and passed. The vote was:

Yeas—38

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

Nays—None

The bill with amendment was delivered to the engrossing clerk.

HB 2213—A bill to be entitled An act relating to Okaloosa County; amending section 1 of chapter 63-1695, Laws of Florida, authorizing an increase in the charity fund to fifteen thousand dollars ($15,000) and increasing the maximum allowance per indigent person and indigent family; providing an effective date.

—was read the second time by title by two-thirds vote on motion by Senator Childers.

On motion by Senator Childers the following amendment was adopted:

Amendment 1—On page 1, lines 25 and a portion of line 26 strike line 25 in its entirety and "a misdemeanor." on line 26.

On motion by Senator Childers, by two-thirds vote HB 2213 as amended was read the third time by title and passed. The vote was:

Yeas—38

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

Nays—None

The bill with amendment was delivered to the engrossing clerk.

ENGROSSING REPORT

Your Engrossing Clerk reports amendments to

CS for HB 233	HB 707	CS for HB 1499
HB 513	CS for HB 1020	
HB 1810	HB 1491	

—have been examined and the bills returned herewith.

ELMER O. FRIDAY, Secretary

The bills with amendments were ordered certified to the House.

On motion by Senator Childers, by two-thirds vote SB 1351 was withdrawn from the Committee on Natural Resources and Conservation and placed on the local calendar.

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

SB 1351—A bill to be entitled An act relating to Hernando County; amending §10 of chapter 69-1097, Laws of Florida, making it unlawful for any person in the process of taking or attempting to take fish from fresh or salt water in the county to use nets or seines from a boat powered by a gasoline or diesel engine or propelled by such gasoline or diesel powered boat; providing an effective date.

—which was read the second time by title.

On motion by Senator Peterson the following amendment was adopted:

Amendment 1—On page 1, line 24 after Hernando County, add: south of Raccoon Point.

On motion by Senator Trask, by two-thirds vote SB 1351 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—38

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

Nays—None

The Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President June 1, 1973

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

By Representative Tillman—

HB 1960—A bill to be entitled An act for the relief of Ralph Dubose of DeSoto County for property damages suffered in an accident involving a mowing machine owned by DeSoto County; requiring the Board of County Commissioners to settle such claim by payment out of any available fund in the County budget in such amount not to exceed Three Hundred ($300.00) Dollars; providing an effective date.

Proof of Publication attached.

By Representative Tillman—

HB 1962—A bill to be entitled An act for the relief of Homer Barrett of DeSoto County for property damages suffered in an accident involving a vehicle owned by DeSoto County; requiring the Board of County Commissioners to settle such claim by payment out of any available fund in the county budget in such amount not to exceed Five Hundred ($500.00) Dollars; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

Evidence of notice and publication was established by the Senate as to House Bills 1960 and 1962.

House Bills 1960 and 1962, contained in the above message, were read the first time by title and placed on the local calendar.

On motion by Senator Gallen, unanimous consent was obtained to take up HB 1960 out of order. On motions by Senator Gallen, by two-thirds vote HB 1960 was read the second time by title and by two-thirds vote the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Gruber	Peterson	Trask
Barron	Henderson	Pettigrew	Vogt
Brantley	Johnson	Plante	Ware
Childers	Johnston	Poston	Weber
Firestone	Lane (31st)	Scarborough	Williams
Gallen	Lane (23rd)	Sims	Winn
Gillespie	Lewis	Smathers	
Glisson	McClain	Stolzenburg	
Graham	Myers	Sykes	

Nays—None

On motion by Senator Gallen, unanimous consent was obtained to take up HB 1962 out of order. On motions by Senator Gallen, by two-thirds vote HB 1962 was read the second time by title and by two-thirds vote the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Gruber	Peterson	Trask
Barron	Henderson	Pettigrew	Vogt
Brantley	Johnson	Plante	Ware
Childers	Johnston	Poston	Weber
Firestone	Lane (31st)	Scarborough	Williams
Gallen	Lane (23rd)	Sims	Winn
Gillespie	Lewis	Smathers	
Glisson	McClain	Stolzenburg	
Graham	Myers	Sykes	

Nays—None

The Honorable Mallory E. Horne, President June 1, 1973

I am directed to inform the Senate that the House of Representatives has refused to recede from House amendments to—

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 5, strike lines 5 through 15

Amendment 2—On page 5, line 27, strike paragraph (4) in its entirety and insert: (4) All members shall be elected officials except the member representing the County health department.

Amendment 3—On page 9, line 6, strike subsection (d) in its entirety and re-number accordingly

Amendment 4—On page 9, line 13, strike: "and public libraries;" and insert: upon recommendation of the school board;

Amendment 5—On pages 9 and 10, strike all of paragraph (k) after the word "facilities" and insert a period after the word "facilities."

Amendment 6—On page 9, line 29, strike subsection (8) in its entirety and re-number accordingly

Amendment 7—On page 10, line 12, strike paragraph (9) in its entirety and insert: (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 three-fourths (3/4) of all the municipalities within the county and by the board of county commissioners. Upon such ratification, the same shall supersede all similar existing plans, codes or regulations then in effect anywhere in the county.

Amendment 8—On page 12, line 9, strike line 9 through line 10 on page 13 and insert: (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 2, strike Section 9 in its entirety and re-number accordingly

Amendment 10—On page 18, line 6, strike Section 15 and re-number accordingly

—and again requests the concurrence of the Senate therein.

Allen Morris, Clerk

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

Amendment 1—On page 3, line 10 strike lines 10—21

On motion by Senator Sayler the following amendment to House amendment 2 was adopted:

Amendment 2—On page 6, line 1, strike subsection (4) in its entirety and insert: (4) All members shall be elected officials except the member representing the county health department.

On motion by Senator Sayler the following amendment to House amendment 3 was adopted:

Amendment 3—On page 9, line 15 strike paragraph (d) in its entirety and renumber accordingly

On motion by Senator Sayler the following amendment to House amendment 4 was adopted:

Amendment 4—On page 9, lines 22—23 strike and public libraries; and insert: upon recommendation of the school board;

On motion by Senator Sayler the following amendment to House amendment 5 was adopted:

Amendment 5—On page 9, line 29 strike all of paragraph (k) after the word "facilities" and insert: a period after the word "facilities".

On motion by Senator Sayler the following amendment to House amendment 6 was adopted:

Amendment 6—On page 10, line 9 strike subsection (8) in its entirety and re-number accordingly

On motion by Senator Sayler the following amendment to House amendment 7 was adopted:

Amendment 7—On page 10, line 20 strike subsection (9) in its entirety and insert: (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 countywide only upon ratification by the Board of County Commissioners and by three-fourths (3/4) of the governing bodies of the 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.

On motion by Senator Sayler the following amendment to House amendment 8 was adopted:

Amendment 8—On page 12, line 9 strike line 9 on page 12 through line 20 on page 13 and insert: (1) The executive director of the council shall annually prepare the budget of the council. Said budget shall be kept within the limit of funds annually available to the council, and each item in the budget shall be fully explained. The council shall approve and adopt the annual budget and all deliberations on the budget by the council shall be done at meetings open to the public. Each organization contributing to the maintenance of the council shall be provided a copy of the proposed and adopted budget. Copies of the proposed and adopted budget shall be supplied to the governing body of each local government unit and to the news media of Pinellas County. The fiscal year of the council shall be the same as the board of county commissioners of Pinellas County. Notwithstanding the above, the board of county commissioners of Pinellas County shall have the right to review and reduce the budget.

(2) The tax collector of Pinellas County shall remit directly to the council from the total taxes collected from the millage certified by the board of county commissioners of Pinellas County for county purposes, an amount equal to the annual budget but not to exceed one-sixth (1/6) of a mill on each dollar of the assessed valuation made annually by the tax assessor of Pinellas County. Notwithstanding the usual time for filing budgets for the fiscal year 1973-74, moneys provided under the provisions of this section shall be made available for the entire fiscal year 1973-74 and the months remaining upon the effective date of this act in the fiscal year 1972-73.

(3) Any person or civic group may contribute monetarily to special studies performed by the council, provided that the council approves said contribution.

(4) In the event the auditor general does not audit each year, the board of county commissioners of Pinellas County shall cause an independent audit to be performed, to be paid for by the council. The council shall also prepare an annual progress report on its activities as a whole.

Section 8. Public hearings; etc.—

(1) Whenever public hearings are called for in this act, they shall be held in major populated areas of the county, with particular attention given to those municipalities with a population of 20,000 or more according to the latest official U.S. Census, at a place of suitable size and convenience. Before adopting any

On motion by Senator Sayler the following amendment to House amendment 9 was adopted:

Amendment 9—On page 14, line 11 strike section 9 in its entirety and insert:

Section 9. Adoption of plans; procedure; binding effect; etc.—

(1) Upon initial adoption by the council of any plan, code or regulation called for under the provisions of this act, said document shall be filed with each unit of local government in Pinellas County. Said document shall also be filed with the Tampa Bay Regional Planning Council and the division of state planning for review and coordination with regional goals and objectives.

(2) Upon receipt of any such plan, code or regulation initially adopted by the council, each unit of local government shall have ninety days within which to respond to the council. Such response shall be in writing, detailed and documented with the reasoning of points raised in opposition to or suggestions for change to such document, or approval thereof.

(3) If an initial plan, code or regulation is approved by all units of local government within the county, said plan, code or regulation shall become binding with the full force and effect of law as of the date of such approval.

(4) If any unit of local government raises objections to an initial plan, code or regulation, as provided in this section, the council shall then call public hearings as set forth in this act.

(5) Upon the conclusion of the public hearings, at a time and place to be set by the council, the council shall then vote on the initial plan, code or regulation as is, or revise it. If such document is revised, such revision shall be accomplished in like manner as the initial adoption, except that the time within which to respond to the council to said revision shall be reduced to forty-five days.

(6) If any initial plan, code or regulation is revised pursuant to this section, and after the expiration of the time allowed for further comment from units of local government in Pinellas County, the council shall, if it is deemed necessary, further revise said document.

(7) Before the initial or final adoption of any plan, code or regulation, the council shall take into consideration any recommendations or suggestions regarding said document that may be rendered by the Tampa Bay Regional Planning Council and the division of state planning.

(8) After the final adoption by the council of any plan, code or regulation, said document shall be filed and recorded in the office of the clerk of the circuit court of Pinellas County, with each local unit of government in Pinellas County, with the Tampa Bay Regional Planning Council, and with the division of state planning. Once adopted and ratified as provided in section 5(9) and filed and recorded in the office of said clerk of the circuit court, such document shall have all the force and effect of a law, and shall be enforced as provided by law or by extraordinary remedy or injunction. Any comparable plan, code or regulation effective in any unit of local government shall stand repealed.

(9) Under unusual or extenuating circumstances and by a vote of not less than seven members of the council, the council may extend the amount of time for a local unit of government to reply, as provided in subsections (2) and (5) of this section, by no more than fifteen days, upon written request and detailed explanation of such unusual or extenuating circumstances from a unit of local government.

On motion by Senator Sayler the following amendment to House Amendment 10 was adopted:

Amendment 10—On page 18, line 17 strike Section 15 and renumber accordingly.

On motion by Senator Sayler the following amendment to House Amendment 10 was adopted:

Amendment 11—On page 18, line 26, strike "January 1, 1974" and insert: "August 1, 1974"

On motions by Senator Sayler the Senate concurred in House amendments 1 through 10 as amended to SB 620.

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

Amendment 12—On page 1, line 27 strike lines 27 and 28 on page 1 and lines 1 and 2 on page 2 and insert: Planning council; providing an effective date.

SB 620 passed as further amended and the action of the Senate was certified to the House. The vote was:

Yeas—38

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

Nays—None

The Honorable Mallory E. Horne, President June 1, 1973

I am directed to inform the Senate that the House of Representatives has reconsidered, adopted House Amendment 2 and passed as further amended—

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.

Amendment 2—On page 1, lines 3-8, strike all lines 3-8 and insert: A bill to be entitled An act relating to drivers' licenses; creating section 322.031, Florida Statutes, providing that certain nonresidents who work or send their children to schools of the state of Florida must apply for a driver's license within a certain time period; providing for the issuance of said licenses; providing fees; providing an effective date.

—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—35

Mr. President	Gruber	Peterson	Sykes
Barron	Henderson	Pettigrew	Trask
Brantley	Johnson	Plante	Vogt
Childers	Johnston	Poston	Ware
Firestone	Lane (31st)	Sayler	Weber
Gallen	Lane (23rd)	Scarborough	Williams
Gillespie	Lewis	Sims	Winn
Glisson	McClain	Smathers	Zinkil
Graham	Myers	Stolzenburg	

Nays—None

The Honorable Mallory E. Horne, President June 1, 1973

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

By the Committee on Transportation and Representative Holloway and others—

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.

Senate Amendment 1—On page 1, line 8 strike entire line and insert the following: holding a design hearing. Requires publi-

House Amendment to Senate Amendment 1—After "design" insert: or planning

Senate Amendment 2—On page 2, line 28 strike entire line and insert the following: *1. The department prior to holding a design hearing,*

House Amendment to Senate Amendment 2—After "design" insert: or planning

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motions by Senator Poston, the Senate concurred in the House amendment to Senate amendment 1 and the House amendment to Senate amendment 2 to CS for HB 1810.

CS for HB 1810 passed as amended and the action of the Senate was certified to the House. The vote was:

Yeas—33

Mr. President	Henderson	Pettigrew	Ware
Brantley	Johnson	Poston	Weber
Childers	Johnston	Sayler	Williams
Firestone	Lane (31st)	Scarborough	Wilson
Gallen	Lane (23rd)	Sims	Winn
Gillespie	Lewis	Smathers	Zinkil
Gordon	McClain	Stolzenburg	
Graham	Myers	Sykes	
Gruber	Peterson	Trask	

Nays—None

The Senate resumed—

SPECIAL ORDER

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.

—was taken up pending roll call, passed and certified to the House. The vote was:

Yeas—27

Mr. President	Johnson	Peterson	Sykes
Brantley	Johnston	Poston	Trask
Childers	Lane (31st)	Sayler	Ware
Firestone	Lane (23rd)	Scarborough	Weber
Gallen	Lewis	Sims	Winn
Gillespie	McClain	Smathers	Zinkil
Glisson	Myers	Stolzenburg	

Nays—5

Graham	Plante	Williams	Wilson
Pettigrew			

By unanimous consent Senator Vogt was recorded as voting yea.

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

—was read the second time by title.

On motion by Senator Graham the following amendment was adopted:

Amendment 1—On pages 2 and 3, strike on page 2 lines 26—30; page 3: lines 1—4 and insert: (a) The advisory council shall allow for full participation of all duly authorized representatives of educational UHF and VHF licensees at all of its meetings, and shall report with its recommendations on priorities to the state department of education the concurring or dissenting view of two-thirds of the duly authorized representatives of educational UHF and VHF licensees.

(b) The advisory council shall allow for full participation of all duly authorized representatives of educational FM licensees at all of its meetings, and shall report with their recommendations on priorities to the state department of education the concurring or dissenting view of two-thirds of the duly authorized representatives of educational FM licensees.

On motion by Senator Graham, by two-thirds vote CS for HB 1700 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

Mr. President	Gordon	McClain	Stolzenburg
Barron	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Johnson	Plante	Ware
Firestone	Johnston	Poston	Williams
Gallen	Lane (31st)	Scarborough	Wilson
Gillespie	Lane (23rd)	Sims	Winn
Glisson	Lewis	Smathers	Zinkil

Nays—None

By unanimous consent Senator Vogt was recorded as voting yea.

CS for HB 1752—A bill to be entitled An act relating to drug abuse prevention and control; creating §§893.01-893.15, Florida Statutes; creating the "Florida Comprehensive Drug Abuse Prevention and Control Act"; providing definitions; providing standards and schedules under which controlled substances are controlled; regulating the practice of pharmacists and practitioners dealing in controlled substances; prescribing requirements for distribution of controlled substances; providing for record keeping; providing exceptions for dispensing certain controlled substances at retail; providing for enforcement of this act; establishing burden of proof in certain proceedings; providing for suspension, revocation, and reinstatement of business and professional licenses; providing for seizure and forfeiture, and sale of contraband and vessels, vehicles, or aircraft illegally used; establishing prohibited acts and penalties and arrest authority; providing for conditional discharge and expungement of records for first offense possession of a controlled substance; providing for participation in drug rehabilitation program for certain offenders; repealing chapter 398, Florida Statutes as amended by chapter 72-227, Laws of Florida, and chapter 404, Florida Statutes, as amended by chapter 72-97, and chapter 72-227, Laws of Florida, amending sections 232.26(2), 239.582(1) and (3), 316.028(1), 322.26(2), 322.264(1)(b), 371.51, 397.021(2), 459.14(2)(g), 465.101(1)(e), 465.22(1)(c), 500.46(2) and (5), 500.47(1)(c), 823.10, 831.30-(1), 860.01(1), and 860.13(1)(a)2, Florida Statutes, to delete reference to chapters 398 and 404, Florida Statutes, in said sections, and to insert appropriate reference to chapter 893, Florida Statutes; providing an effective date.

—was read the second time by title.

On motion by Senator McClain the following amendment was adopted:

Amendment 1—On page 39, line 4, insert: Add a new subsection (3)

(3) The provisions of subsections (1) and (2) of this section shall not apply to persons charged with the unlawful possession, sale, delivery, or manufacture of heroin, opium, and coca leaves or any salt, compound, derivative or preparation of any of these substances.

The vote was:

Yeas—17

Childers	Lewis	Stolzenburg	Wilson
de la Parte	McClain	Sykes	Winn
Johnson	Peterson	Trask	
Johnston	Plante	Ware	
Lane (23rd)	Sims	Weber	

Nays—11

Mr. President	Gordon	Myers	Smathers
Firestone	Graham	Pettigrew	Vogt
Glisson	Lane (31st)	Poston	

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

Explanation of Vote

I voted no on Amendment 1 by Senator McClain in order to get the bill passed, because any amendment would send the bill back to the House and it would die due to lack of time. I favor the philosophy of the McClain amendment.

Jim Glisson, 11th District

Senators Johnston, Plante, Peterson, Weber, Gallen, Johnson, Childers, McClain, Brantley, Lane (23rd), Stolzenburg and Sims offered the following amendment which was moved by Senator Johnston:

Amendment 2—On page 40, between lines 17 and 18 insert: Section 17. Any instructional or administrative personnel, as defined in §228.041, Florida Statutes, or any school secretary, clerk or other office assistant who is formally charged with a felony involving the unlawful possession or sale of any substance controlled under chapter 893, Florida Statutes, shall be suspended from employment until final adjudication of the charge by a court of competent jurisdiction; provided, the district school board recommends suspension following an administrative hearing after notice to such person. If adjudicated guilty of a felony, the employee shall be automatically discharged.

(Renumber subsequent sections.)

Senator Sykes offered the following amendment to Amendment 2:

Amendment 2a—After "office assistant" insert: or any member of the Board of Regents

On motion by Senator Graham, by two-thirds vote, debate on the foregoing amendment was limited to 1 minute per side.

Amendment 2a failed.

Amendment 2 failed.

Senators Johnston, Plante, Peterson, Weber, Gallen, Johnson, Brantley, Childers, McClain, Lane (23rd), Stolzenburg and Sims offered the following amendment which was moved by Senator Johnston:

Amendment 3—On page 41, between lines 17 and 18, insert: Section 18. Any instructional or administrative personnel, as defined in §228.041, Florida Statutes, or any secretary, clerk or other office assistant, in any state-supported university or junior college who is formally charged with a felony involving the unlawful possession or sale of any substance controlled under chapter 893, Florida Statutes, shall be suspended from employment, until final adjudication of the charge by a court of competent jurisdiction, if such suspension is recommended following an administrative hearing provided by the president of the institution pursuant to rules promulgated by the state board of education or board of regents. If adjudicated guilty, the employee shall be automatically discharged.

(Renumber subsequent sections.)

On motion by Senator Graham, by two-thirds vote debate on the foregoing amendment was limited to 1 minute per side.

Amendment 3 failed.

Senator Wilson offered the following amendment which failed:

Amendment 4—On page 34, line 24, strike subsection (g)

Senator Winn moved that the Senate reconsider the vote by which Amendment 1 was adopted.

On motion by Senator Graham, by two-thirds vote, debate was limited to 3 minutes per side.

The Senate reconsidered and Amendment 1 failed.

On motion by Senator Firestone, by two-thirds vote CS for HB 1752 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—None

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

CS for HB 2144—A bill to be entitled An act relating to county official's salaries; amending §145.021(1), Florida Statutes, redefining "population"; amending §145.031, Florida Statutes, increasing the salary of county commissioners and establishing a calculation method; amending §145.041, Florida Statutes, increasing the salary of district school board members and establishing a calculation method; amending §145.051, Florida Statutes, increasing the salary of clerks of circuit courts and county comptrollers and establishing a calculation method; amending §145.071(1), Florida Statutes, increasing the salary of sheriffs and establishing a calculation method; amending § 145.08(1) increasing the salary of superintendents of schools and establishing a calculation method; amending §145.09, Florida Statutes, increasing the salary of supervisors of elections and establishing a calculation method; amending §145.10, Florida Statutes, increasing the salary of tax assessors and establishing a calculation method; amending §145.11, Florida Statutes, increasing the salary of tax collectors and establishing a calculation method; repealing §145.121, Florida Statutes, which provides that income of county officials other than salary shall be income of the office and which provides for implementation of salary schedules; providing an effective date.

On motion by Senator Williams, by two-thirds vote CS for HB 2144 was read the second time by title.

On motion by Senator Williams the following amendment was adopted:

Amendment 1—Strike everything after the enacting clause and insert:

Section 1. Section 145.021 (1), Florida Statutes, is amended to read:

145.021 Definition.—As used in this chapter:

(1) "Population" means the population according to the latest *annual determination of population of local governments produced by the department of administration in accordance with Section 23.019, Florida Statutes,* ~~official decennial census~~ *in effect on October 1, of each year.*

Section 2. Section 145.031, Florida Statutes, 1971, is amended to read:

(Substantial rewording. See Section 145.031, Florida Statutes, 1971, for present text)

145.031 Board of county commissioners.—Each member of the board of county commissioners shall receive as salary the amount indicated, based on the population of his county.

POP. GROUP	COUNTY POP. RANGE MINIMUM	MAXIMUM	SALARY
I		9,999	4,800
II	10,000	49,999	6,500
III	50,000	99,999	9,500
IV	100,000	199,999	12,500
V	200,000	399,999	17,000
VI	400,000	999,999	20,000
VII	1,000,000		23,000

Section 3. Section 145.041, Florida Statutes, is amended to read:

(Substantial rewording. See Section 145.041, Florida Statutes, 1971, for present text)

145.041 District school board.—

(1) Each member of the district school board shall receive as salary the amount indicated, based on the population of his county.

POP. GROUP	COUNTY POP. RANGE MINIMUM	MAXIMUM	SALARY
I		9,999	3,300
II	10,000	49,999	3,900
III	50,000	99,999	4,800
IV	100,000	199,999	5,400
V	200,000	399,999	6,600
VI	400,000	999,999	7,200
VII	1,000,000		8,000

(2) This section shall not apply to those counties which, since July 1, 1964, have by referendum voted that school board members shall receive no salary.

Section 4. Section 145.051, Florida Statutes, is amended to read:

(Substantial rewording. See Section 145.051, Florida Statutes, 1972 Supplement, for present text)

145.051 Clerk of the circuit court.—

Each clerk of circuit court shall receive as salary the amount indicated, based on the population of his county.

POP. GROUP	COUNTY POP. RANGE MINIMUM	MAXIMUM	SALARY
I		9,999	14,400
II	10,000	49,999	17,800
III	50,000	99,999	20,800
IV	100,000	199,999	23,800
V	200,000	399,999	26,800
VI	400,000	999,999	29,800
VII	1,000,000		32,800

Section 5. Section 145.071, Florida Statutes, 1971, is amended to read:

(Substantial rewording. See Section 145.071, Florida Statutes, 1971, for present text)

145.071 Sheriff.—Each sheriff shall receive as salary the amount indicated, based on the population of his county.

POP. GROUP	COUNTY POP. RANGE MINIMUM	MAXIMUM	SALARY
I		9,999	15,400
II	10,000	49,999	17,800
III	50,000	99,999	20,800
IV	100,000	199,999	23,800
V	200,000	399,999	26,800
VI	400,000	999,999	29,800
VII	1,000,000		32,800

Section 6. Section 145.08, Florida Statutes, is amended to read:

(Substantial rewording. See Section 145.08(1), Florida Statutes, 1971, for present text)

145.08 Superintendent of schools.—

(1) Each superintendent of schools shall receive as salary the amount indicated, based on the population of his county.

POP. GROUP	COUNTY POP. RANGE MINIMUM	MAXIMUM	SALARY
I		9,999	17,000
II	10,000	49,999	20,000
III	50,000	99,999	23,000
IV	100,000	199,999	26,000
V	200,000	399,999	29,000
VI	400,000	999,999	32,000
VII	1,000,000		35,000

(2) This section does not apply to a superintendent of schools appointed pursuant to the terms of Section 230.321, Florida Statutes.

Section 7. Section 145.09, Florida Statutes, is amended to read:

(Substantial rewording. See Section 145.09, Florida Statutes, 1971, for present text)

145.09 Supervisor of elections.—

(1) Each supervisor of elections shall receive as salary the amount indicated, based on the population of his county.

POP. GROUP	COUNTY POP. RANGE MINIMUM	MAXIMUM	SALARY
I		9,999	9,000
II	10,000	49,999	12,000
III	50,000	99,999	15,000
IV	100,000	199,999	18,000
V	200,000	399,999	21,000
VI	400,000	999,999	24,000
VII	1,000,000		27,000

(2) The above salaries are based upon a five day work week. If a supervisor does not keep his office open five days per week, then the salary will be prorated accordingly.

Section 8. Section 145.01, Florida Statutes, is amended to read:

(Substantial rewording. See section 145.10, Florida Statutes, 1971, for present text).

145.10 Tax assessor.—Each tax assessor shall receive as salary the amount indicated, based on the population of his county.

POP. GROUP	COUNTY POP. RANGE MINIMUM	MAXIMUM	SALARY
I		9,999	12,400
II	10,000	49,999	15,400
III	50,000	99,999	18,400
IV	100,000	199,999	21,400
V	200,000	399,999	24,400
VI	400,000	999,999	27,400
VII	1,000,000		30,400

Special qualification salary shall be an aditional two thousand dollars per year to each assessor who has met the requirements of the department of revenue and has been designated a certified Florida assessor. Any assessor who is certified during a calendar year shall receive in that year a prorata share of the special qualification salary based on the remaining period of the year. The department of revenue shall establish and maintain a certified Florida assessor program.

Section 9. Section 145.11, Florida Statutes, is amended to read:

(Substantial rewording. See section 145.11, Florida Statutes, 1971, for present text).

Section 145.11 Tax collector.—Each tax collector shall receive as salary the amount indicated, based on the population of his county.

POP. GROUP	COUNTY POP. RANGE MINIMUM	MAXIMUM	SALARY
I		9,999	12,400
II	10,000	49,999	15,000
III	50,000	99,999	18,000
IV	100,000	199,999	21,000
V	200,000	399,999	24,000
VI	400,000	999,999	27,000
VII	1,000,000		30,000

Section 10. The compensation provided in chapter 145, Florida Statutes, shall be the exclusive and sole compensation of the officers whose salary is established therein for the execution of their official duties, and except as specifically provided herein, the acceptance of salary for official duties as a result of other general, special or general laws of local application, resolution, supplements or from any other source is a misdemeanor of the first degree punishable as provided in section 775.082 and section 775.083, Florida Statutes.

Section 11. There shall be an automatic annual adjustment of the salaries established herein reflecting the changes in the federal consumer price index of the cost-of-living, as certified by the department of administration on July first of each year. For purposes of this act each increase will be effective each October first.

Section 12. All general, special and general acts of local application are hereby repealed to the extent that they require, authorize, or permit any officer whose compensation is established by chapter 145 to receive any other compensation for the execution of his official duties.

Section 13. Subsection 2(a)(b) and (c) of section 145.121, 1972 Florida supplement as amended by 72-240, Laws of Florida, are repealed.

Section 14. This act shall take effect October 1, 1973.

On motion by Senator Williams the following amendment was adopted:

Amendment 2—Strike entire title and insert:

A bill to be entitled An act relating to county officials' salaries; amending Section 145.021, Florida Statutes, redefining "population"; amending Section 145.031, Florida Statutes, increasing the salary of county commissioners; amending Section 145.041, Florida Statutes, increasing the salary of district school board members; amending Section 145.051, Florida Statutes, increasing the salary of clerks of circuit courts; amending Section 145.071, Florida Statutes, increasing the salary of sheriffs; amending Section 145.08, Florida Statutes, increasing the salary of superintendents of schools; amending Section 145.09, Florida Statutes, increasing the salary of supervisors of elections; amending Section 145.10, Florida Statutes, increasing the salary of tax assessors; amending Section 145.11, Florida Statutes, increasing the salary of tax collectors; repealing Section 145.121 relating to other income from office; providing criminal penalty; providing an annual cost-of-living increase; providing an effective date.

Senators Wilson and Sayler offered the following amendment which was adopted on motion by Senator Sayler:

Amendment 3—On pages 2, 3, 4, 5, 6, 7, strike twenty percent off all salary figures in all population groups for all officials.

Senators Wilson and Glisson offered the following amendment which was adopted on motion by Senator Wilson:

Amendment 4—On page 9, line 15, insert the following new section: Except for the district school board members, the salaries established herein are intended by the legislature to be for full time positions for population groups V through VII.

(Renumber subsequent sections)

Senators Wilson, Barron and Lane (23rd) offered the following amendment which was adopted on motion by Senator Wilson:

Amendment 5—On page 9, line 14, insert: County officials whose salary is less than the salary payable under this chapter shall only have their salary increased each year at the rate of ten percent of their total salary until their salary reaches the amount provided in this chapter.

Senators Barron, Vogt, Weber, Lane (23rd) and Wilson offered the following amendment which was adopted on motion by Senator Barron:

Amendment 6—On page 8, between lines 4 and 5 add new section 11 and renumber subsequent sections. Section 11. Notwithstanding anything in this act to the contrary no increase or decrease in salary as provided in this bill shall apply to any public official named in this act until the term of office following the general election held after the effective date of this act.

On motion by Senator Williams, by two-thirds vote CS for HB 2144 as amended was read the third time by title and passed. The vote was:

Yeas—33

Mr. President	Henderson	Pettigrew	Ware
Brantley	Johnson	Plante	Weber
Firestone	Johnston	Saunders	Williams
Gallen	Lane (31st)	Sims	Wilson
Gillespie	Lane (23rd)	Smathers	Winn
Glisson	Lewis	Stolzenburg	Zinkil
Gordon	McClain	Sykes	
Graham	Myers	Trask	
Gruber	Peterson	Vogt	

Nays—None

By unanimous consent Senator Sayler was recorded as voting yea.

On motion by Senator Williams, the House was requested to concur in the Senate amendments to CS for HB 2144 and in the event the House refused to concur a conference committee was requested.

The bill was certified to the House.

The Senate resumed consideration of—

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.

—which was taken up with the following pending amendment:

Amendment 1—On page 15, line 22, after the word "boundaries" strike the remainder of subsection (4) and insert a period.

Amendment 1 was adopted on motion by Senator Brantley.

Senator Williams moved the adoption of the following amendment:

Amendment 2—On page 2, line 13, strike everything after the enacting clause and insert:

Section 1. Part II of Chapter 218, Florida Statutes, is reenacted and amended to read:

(Substantial rewording of part; see Part II of chapter 218, Florida Statutes, for present text.)

PART II. REVENUE SHARING ACT OF 1972

218.20 Short title.—This part of Chapter 218 shall be known, and may be cited, as the "Florida Revenue Sharing Act of 1972."

218.21 Definitions.—As used in this part, the following words and terms shall have the meanings ascribed them in this section, except where the context clearly indicates a different meaning:

(1) "Unit of local government" means a county or municipal government.

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

(3) "Municipality" means a municipality created pursuant to general or special law and metropolitan and consolidated governments as provided in section (6)(e) and (f) of Article VIII of the state constitution. Such municipality shall have held an election for its legislative body pursuant to law and established such a legislative body which meets pursuant to law.

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

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

(6) "Guaranteed entitlement" means the amount of revenue which must be shared with an eligible unit of local government so that:

(a) No eligible county shall receive less funds from the revenue sharing trust fund for counties than the amount received in the aggregate from the state in fiscal year 1971-72 under the provisions of the then existing section 210.20(2) (c), tax on cigarettes; section 323.16(4), road tax; and section 199.292(4), tax on intangible personal property; or, for any quarter, one-fourth of such amount.

(b) No eligible municipality shall receive less funds from the revenue sharing trust fund for municipalities in any fiscal year than the aggregate amount it received from the state in fiscal year 1971-72 under the provisions of the then existing section 210.20(2)(a), tax on cigarettes; section 323.16(3), road tax; and chapter 71-363, Laws of Florida, adding section 206.605, tax on motor fuel, except that any government exercising municipal powers pursuant to section 6(f) of Article VIII of the state constitution shall not receive less funds from any such revenue sharing trust fund than the aggregate amount it received from the state in fiscal year 1971-72 under the provisions of sections 323.16(3), 210.20(2)(a) and 206.605 plus a seven percent (7%) increase in such amount; or, for any quarter, one-fourth of such amount.

(7) "Minimum entitlement" means the amount of revenue, as certified by a unit of local government and determined by the department, which must be shared with a unit of local government so that such unit will receive the amount of revenue necessary to meet their obligations as a result of pledges or assignments or trusts entered into which obligated funds received from revenue sources or proceeds which by terms of this act shall henceforth be distributed out of revenue sharing trust funds; or, for any quarter, one-fourth of such amount.

(8) "Population" means the latest official state estimate of population certified pursuant to section 23.019, Florida Statutes.

(9) "All receipts available" means the amount appropriated annually by the legislature.

(10) "Real income" means the money income, as defined by the U.S. Bureau of Census, of each county adjusted by the cost of living survey conducted by the department of administration. State real income shall be the sum of the real income of all counties so derived.

218.22 Revenue sharing trust funds; creation and distribution.—

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

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

218.23 Revenue sharing with units of local government.—

(1) To be eligible to participate in revenue sharing beyond the minimum entitlement for any quarter during any fiscal year, a unit of local government is required to:

(a) Report its finances to the department of banking and finance pursuant to section 218.32, Florida Statutes;

(b) Make provision for annual post-audits of its financial accounts in accordance with provisions of law;

(c) Have levied ad valorem taxes, exclusive of taxes levied for debt service or other special millages authorized by the voters, at a millage rate not less than three mills on the dollar or, in order to produce revenue equivalent to that which would otherwise be produced by a three mill ad valorem tax, to impose and collect an occupational license tax or a utility tax, or both of these taxes, in combination with the ad valorem tax; and

(d) Certify that persons in its employ as police officers, as defined in §23.061(1), meet the qualifications for employment as established by the police standards council, that its salary structure and salary plans meet the provisions of part IV of chapter 23, and that no police officer is compensated for his services at an annual salary rate of less than six thousand dollars. However, the department may waive the minimum police officer salary requirement if a city or county certifies that it is levying ad valorem taxes at ten mills.

(2) The distribution to a unit of local government under this part is determined by the following formula:

(a) First, the entitlement of an eligible unit of local government shall be computed on the basis of the apportionment factor provided in section 218.24, which shall be applied for all eligible units of local government to all receipts available for distribution in the respective revenue sharing trust fund;

(b) Second, revenue shared with eligible units of local government for any fiscal year shall be adjusted so that no eligible unit of local government shall receive less funds than its guaranteed entitlement;

(c) Third, revenue shared with units of local government for any fiscal year shall be adjusted so that no unit of local government shall receive less funds than its minimum entitlement; and

(d) Fourth, after the adjustment provided in paragraphs (b) and (c) and after deducting the amount committed to all the units of local government, the funds remaining in the respective trust funds shall be distributed to those eligible units of local government which qualify to receive additional moneys beyond the guaranteed entitlement on the basis of the additional money of each qualified unit of local government in proportion to the total additional money of all qualified units of local government.

218.24 Revenue sharing; apportionment.—

(1) The apportionment factor for all eligible counties shall be composed of three equally weighted portions as follows:

(a) Each eligible county's percentage of the total population of all eligible counties in the state.

(b) Each eligible county's percentage of the total population of the state residing in unincorporated areas of all eligible counties.

(c) Each eligible county's percentage of total sales tax collections in all eligible counties during the preceding year.

(2) The apportionment factor for all eligible municipalities shall be composed of three equally weighted portions as follows:

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

1. For a municipality with a population in excess of 50,000, the population shall be adjusted by multiplying its population by a factor of 1.791.

2. For a municipality with a population in excess of 20,000, but less than 50,001, the population shall be adjusted by multiplying its population by a factor of 1.709.

3. For a municipality with a population in excess of 5,000, but less than 20,001, the population shall be adjusted by multiplying its population by a factor of 1.425.

4. For a municipality with a population in excess of 2,000, but less than 5,001, the population shall be adjusted by multiplying its population by a factor of 1.135.

(b) The proportion of the sales tax collected within a given municipality to the total sales tax collected within all the eligible municipalities in the state. The sales tax collected within a given municipality shall be derived by allocating the amount of sales tax collections for the county in which the municipality is located to each municipality in the county on the basis of the proportion of each municipality's population to the total population of the county.

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

1. By dividing the per capita non-exempt assessed real and personal property valuation of all eligible municipalities by the per capita non-exempt real and personal property valuation of each eligible municipality.

2. By multiplying the population of an eligible municipality by the percentage applicable to that municipality as established under subparagraph 1.

3. By dividing the population, as recalculated to reflect the relative local ability, by the total recalculated population of all eligible municipalities in the state.

(d) For a metropolitan or consolidated government, as provided by §3, §6(e) or §6(f) of Article VIII of the state constitution, the population or sales tax collections of the unincorporated area or areas outside of urban service districts, if such have been established, as determined in paragraphs (a) through (c) above and after adjustments made as provided therein, shall be further adjusted by multiplying the adjusted or recalculated population or sales tax collections, as the case may be, by a percentage which is derived by dividing:

1. The total amount of ad valorem taxes levied by the county government on real and personal property in the area of the county outside of municipal limits, as created pursuant to general or special law, or outside of urban service district limits, where such are established; by

2. The total amount of ad valorem taxes levied on real and personal property by the county and municipal governments.

218.25 Limitation of shared funds; holders of bonds protected.—Local governments shall not use any portion of the moneys received in excess of the guaranteed entitlement from the revenue sharing trust funds created by this part to assign, pledge, or to set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates or any other form of indebtedness and there shall be no other use restriction on revenues shared pursuant to this part. The state does hereby convenant with holders of bonds or other instruments of indebtedness issued by local governments prior to July 1, 1972 that it is not the intent of this act to affect adversely the rights of said holders or to relieve local governments of the duty to meet their obligations as a

result of previous pledges or assignments or trusts entered into which obligated funds received from revenue sources which by terms of this act shall henceforth be distributed out of the revenue sharing trust funds.

218.26 Administration; distribution schedule.—

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

(2) The department shall, for all taxes collected and received into the revenue sharing trust funds, establish a schedule of equal monthly distribution for any computation period. The department is authorized to receive funds pursuant to section 215.18 at any time in order to make such monthly payments by the 25th day of the month.

(3)(a) The department shall compute the apportionment factors once each fiscal year for use during the fiscal year. The computation shall be made prior to July 25 of each fiscal year and shall be based upon information submitted and certified to the department prior to June 1 of each year.

(b) The department shall, for each quarter thereafter, compute any adjustment for the apportionment factors required pursuant to any adjustment in receipts available or to any additional information as to eligibility submitted and certified to the department prior to the end of the preceding quarter. Such computation of adjustment shall be made prior to the 25th day of the first month of each quarter. The application of the adjusted apportionment factors, as computed herein, shall be prospective only, except for any adjustment based upon any adjustment in receipts available.

(4) It shall be the duty of each agency and unit of local government required to submit certified information to the department pursuant to the administration of this act to file timely information. Any unit of local government failing to provide timely information required pursuant to the administration of this act shall, by such action, authorize the department to utilize the best information available or, if no such information is available, to take any necessary action including disqualification, either partial or entire, and shall further, by such action, waive any right to challenge the determination of the department as to its share, if any, pursuant to the privilege of receiving shared revenues under this part.

Section 2. Chapter 218, Florida Statutes, is amended by adding a new part III, to be entitled, Local Financial Management and Reporting, to read:

PART III LOCAL FINANCIAL MANAGEMENT AND REPORTING

218.30 Short title.—The act shall be known and may be cited as the "Uniform local government financial management and reporting act."

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

(1) "Unit of local government" means a county, municipality or special district.

(2) "Unit of local general purpose government" means a county or municipality established by general or special law.

(3) "Local governing authority" means the governing body of a unit of local general purpose government.

(4) "Department" means the department of banking and finance.

(5) "Special district" means a local unit of special government, except county school boards and community college districts, created pursuant to general or special law for the purpose of performing prescribed specialized functions including urban service functions, within limited boundaries.

(6) "Dependent special district" means a special district whose governing head is the local governing authority, ex officio or otherwise, or whose budget is established by the local governing authority.

(7) "Independent special district" means a special district whose governing head is an independent body, either appointed or elected, and whose budget is established independently of the local governing authority, even though there may be appropriation of funds generally available to a local governing authority involved.

(8) "County fee officers" means those county officials who are assigned specialized functions within county government and whose budget is established independently of the local governing body, even though said budget may be reported to the local governing body or may be composed of funds either generally or specially available to a local governing authority involved.

218.32 Financial reporting; units of local government.—(1) Every unit of local government shall submit a copy of a financial report covering their operations during the preceding fiscal year within ninety days after the close of the fiscal year. The financial reports shall contain such information and in such form as may be required by the department.

(2) The department shall annually file a report, by March 1 of each year, with the governor and legislature showing the revenues, both locally derived and intergovernmental transfers, and expenditures of such units and any additional items of data or analyses thereof as developed by the department.

(3) Failure by any unit of local government to file timely a copy of a financial statement shall, in addition to any other penalties provided by law, authorize the department to employ personnel or send departmental personnel to such unit of local government in order to complete and file such financial statements. The expenses related to the completion and filing such financial statement shall be charged to the unit of local government. Upon failure to pay such charge by the unit within fifteen days of billing, the department shall so certify to the comptroller who shall forward the amount so certified to the department from any funds due to the unit of local government under any revenue sharing or tax sharing fund established by the state, except as otherwise provided by the Florida Constitution. The department shall include in its annual report a statement of all units failing to file a report and those units for which the department provided a report pursuant to this sub-section.

218.33 Units of local government; establishment of uniform fiscal years and accounting practices and procedures.—(1) Every unit of local government shall begin its fiscal year on October 1 of each year and end on September 30.

(2) The department is empowered and authorized to make such reasonable rules and regulations regarding uniform accounting practices and procedures by units of local government in this state, including a uniform classification of accounts, as it deems necessary to assure the use of proper accounting and fiscal management techniques by such units.

(3) The provision contained in subsection (1) shall apply to all fiscal years beginning after September 30, 1973. The department may, upon the request of a local governmental unit and a showing of inability to conform by September 30, 1973, extend the time of compliance to September 30, 1974.

(4) Any word, sentence, phrase, or provision of any special act, municipal charter, or other law, that prohibits or restricts a unit of local government from complying with this section or any rules or regulations promulgated hereunder is hereby nullified and repealed to the extent of such conflict.

218.34 Special districts; financial matters.—

(1) The governing body of each special district shall make appropriations for each fiscal year which, in any one year, shall not exceed the amount to be received from taxation and other revenue sources. It shall be unlawful for any officer of a special district to draw money from the treasury except in pursuance of appropriation made by law.

(2) The proposed budget of a dependent special district shall be contained within the general budget of the local governing authority and be clearly stated as the budget of the dependent special district. Financial reporting shall be made in the same fashion as provided by rules of the department.

(3) The proposed budget of an independent special district located solely within one county shall be filed with the clerk of the county governing authority by September 1 of each year.

(4) Each special district shall make provision for annual post audit of its financial accounts in accordance with the rules of the department.

218.35 County fee officers; financial matters.—

(1) All county fee officers shall establish an annual budget for their office which shall clearly reflect the revenues available to said office and the functions for which money is to be expended. The budget shall be balanced; that is, the total of estimated receipts, including balances brought forward, shall equal the total of estimated expenditures and reserves. The budgeting of segregated funds shall be made in such manner that the relation between program and revenue source as provided by law is retained.

(2) The clerk of the circuit court, functioning in his capacity as clerk of the circuit and county courts and as clerk to the board of county commissioners, shall prepare his budget in two parts:

(a) one part to be the budget relating to the state court system, including recording, and shall be filed with the State Courts Administrator as well as the board of county commissioners; and

(b) the other part to be the budget relating to the requirements of the clerk as clerk to the board of county commissioners, county auditor, custodian or treasurer of all county funds and other county related duties.

(3) Each county fee officer shall make provision for establishing a fiscal year beginning October 1 and ending September 30 of the following year and shall report his finances annually upon the close of each fiscal year to the county fiscal officer for inclusion in the annual financial report by the county.

(4) The proposed budget of a county fee officer shall be filed with the clerk of the county governing authority by September 1 preceding the fiscal year for the budget.

218.36 County officers; record and report of fees and disposition of same.—

(1) Each county officer who receives all or any part of his expenses or compensation in fees, commissions, or other remuneration, shall keep a complete report of all fees, commissions, or other remuneration collected by him and shall make an annual report to the board of county commissioners within fifteen days of the close of his fiscal year. Such report shall specify in detail the purposes, character and amount of all official expenses and the amount of net income or unexpended budget balance as of the close of the fiscal year. All officers shall prepare such reports and subscribe under oath as to their accuracy and propriety.

(2) On or before the date for filing the annual report, each county officer shall pay into the county general fund all money in excess of the sum to which he is entitled under the provisions of chapter 145; provided that, whenever a tax collector or an assessor in any county has money in excess, he shall divide the excess into a portion for each governmental unit paying fees and each governmental unit shall receive as its proportion of the excess fees that proportion of said excess fees that its fee payments represent of the officer's total fee income.

(3) The board of county commissioners shall, on the sixteenth day following the close of the fiscal year, notify the governor of the failure of any county officer to comply with the provisions of this section. Such notification shall specify the name of the officer and the office held by him at the time of such failure and shall subject said officer to suspension from office at the governor's discretion.

(4) Compliance by a county officer with the provisions of the section shall exempt said officer of any report required pursuant to section 116.03, Florida Statutes.

Section 3. Chapter 128, Florida Statutes, and all sections thereof, as presently constituted, is repealed.

Section 4. Sections 167.61 and 145.12, Florida Statutes, and subsection 216.111(2), Florida Statutes, are repealed.

Section 5. Paragraphs (a) and (b) of subsection 129.01(2), Florida Statutes, are amended to read:

129.01 Budget system established.—

(2) Each budget shall conform to the following general directions and requirements:

(a) The budget shall be prepared, summarized, and approved by the board of county commissioners of each county ~~and filed with the department of banking and finance of the state on or before August 1, of each year. Such budget shall be prepared and submitted on forms and in accordance with regulations prescribed by the said department. The said department is hereby empowered and authorized to make such reasonable rules and regulations regarding forms, uniform classification of accounts, and filing of the budget as shall be necessary.~~

(b) The budget shall be balanced; that is, the total of the estimated receipts, including balances brought forward shall equal the total of the appropriations and reserves. It shall conform to the uniform classification of accounts prescribed by the ~~department~~ *appropriate state agency*. The receipts division of the budget shall include ninety-five percent of all receipts reasonably to be anticipated from all sources, including taxes to be levied, and one hundred percent of the amount of the balances both of cash and liquid securities, estimated to be brought forward at the beginning of the fiscal year. The appropriation division of the budget shall include itemized appropriations for all expenditures authorized by law, contemplated to be made or incurred for the benefit of the county during the said year, and the provision for the reserves authorized by this chapter. *Both the receipts and appropriation division shall reflect the approximate division of locally raised receipts and all expenditures between the incorporated and unincorporated areas of the county. The basis of such division shall be clearly set forth in the budget.*

Section 6. Paragraphs (b) through (f), inclusive of subsection 129.03(2), Florida Statutes, are amended to read:

129.03 Preparation and adoption of budget.—

(2) On or before July 15 of each year the county auditor, after tentatively ascertaining the proposed fiscal policies of the board for the ensuing fiscal year, shall prepare and present to the board a tentative budget for the ensuing fiscal year for each of the funds provided in this chapter, including all estimated receipts, taxes to be levied, and balances expected to be brought forward, and all estimated expenditures, reserves and balances to be carried over at the end of the year.

(b) Upon receipt of the tentative budgets and the completion of any revisions made by the board, the board shall prepare a statement summarizing all of the tentative budgets. This summary statement shall show, for each budget and the total of all budgets, the proposed tax millages, the balances, the reserves, and the total of each major classification of receipts and expenditures, classified according to the classification of accounts prescribed by the ~~department of banking and finance~~ *appropriate state agency*. The board shall cause this summary statement to be advertised one time in a newspaper of general circulation published in the county or by posting at the courthouse door if there be no such newspaper, and the advertisement shall state that the board 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 advertising, for the purpose of hearing requests and complaints from the public regarding the budgets. The board shall meet upon the day fixed in the advertisement, and from day to day thereafter if it deems it necessary, for the purpose of holding a public hearing and making whatever revisions in the budgets it may deem necessary, and shall thereupon tentatively adopt the budgets, and the tentative budgets shall be filed in the office of the county auditor as a public record.

~~(c) The board of county commissioners shall require the county auditor to transmit forthwith to the department two copies of each of the tentative budgets as adopted. Each budget so transmitted shall be certified by the chairman of the board of county commissioners and by the county auditor as a true and correct copy of the budget as adopted by the board of county commissioners.~~

~~(d) If the budget of any county has not been properly prepared as to form, the said department shall report such deficiencies to the board of county commissioners of the county concerned immediately and the said board shall forthwith correct the deficiencies and file a copy of the corrected budget. The examination of the budgets of the several counties by the department shall be completed within thirty days after they are filed in its office.~~

~~(e) The budgets as tentatively adopted by the boards of any county shall be considered as finally adopted and as official thirty days from the date the budgets were transmitted to the said department and no report of exceptions to the budget as filed has been made by the department as authorized herein. Upon approval as to form of the county budgets as hereinabove prescribed, the department shall make a certificate upon each of such budgets attesting its approval and return one copy of each budget to the respective boards of county commissioners. The other copy of the budgets shall be filed in the department and shall be evidence of the said budgets or any of their provisions. The certificate shall give the date upon which the budget finally became official and effective.~~

~~(f)~~ *(c)* The budgets as finally adopted as provided herein, and all amendments thereto, shall be kept in a substantial book as a public record in the office of the county auditor. Sufficient reference in words and figures to identify the particular transactions shall be made in the minutes of the board to record its actions with reference to the budgets.

Section 7. Section 30.49, Florida Statutes, is amended by amending subsection (4), (5) and (10) and adding new subsection (11) to read:

30.49 Budgets.—

(4) The board of county commissioners or the budget commission, as the case may be, may require the sheriff to correct mathematical, mechanical, factual and clerical errors and errors as to form in the proposed budget. No later than August 1 of each year, the said board or commission, as the case may be, may amend, modify, increase or reduce any or all items of expenditure in the proposed budget and, as amended, modified, increased, or reduced, shall approve said budget, giving written notice of their action to the sheriff specifying in such notice the specific items so amended, modified, increased or reduced; the budget shall include the salaries and expenses of the sheriff's office, cost of operation of the county jail, purchase, maintenance and operation of equipment, including patrol cars, radio systems, transporting prisoners, court duties, and all other salaries, expenses, equipment and investigation expenditures of the entire sheriff's office for the previous year. The sheriff, within ten days after receiving written notice of such action by the board or commission (either in person or in his office) may file an appeal to the state ~~board~~ *department* of administration. ~~composed of the governor, the state comptroller and the state treasurer~~. Such appeal shall be by petition to such ~~board~~ *department* which petition shall set forth the budget proposed by the sheriff and the budget as approved by the board of county commissioners or budget commission, as the case may be, and shall contain the reasons or grounds for the appeal. Such petition shall be filed with the ~~state comptroller~~ *department* and a copy of said petition shall be served upon the board or commission from whose decision appeal is taken by delivering the same to the chairman or president thereof, or to the clerk of the circuit court. The board of county commissioners or the budget commission, as the case may be, shall have five days from delivery of a copy of any such petition, as above, to file with the ~~board~~ *department* of administration, a reply thereto and shall deliver a copy of such reply to the sheriff.

(5) The ~~board~~ *department* of administration within thirty days of the filing of the petition, shall consider the petition and may require a hearing thereon. The ~~board~~ *department* of administration shall ~~by majority vote~~, within said thirty days, either approve the action of the board or commission as to each separate item, or approve the budget as proposed by the sheriff as to each separate item, or amend or modify said budget as to each separate item within the limits of the proposed expenditures and the expenditures as approved by the board of county commissioners or the budget commission, as the case may be. The budget, as approved, amended, or modified by the ~~board~~ *department* of administration shall be final.

(10) If in the judgment of the sheriff an emergency should arise by reason of which the sheriff would be unable to perform his duties without the expenditure of larger amounts than those provided in the budget, he may apply to the ~~board~~ *department* of administration for the appropriation of additional amounts. The sheriff shall at the same time deliver a copy of his application to the board of county commissioners, and to the budget commission if there is a budget commission within the county. The ~~board~~ *department* of administration shall hold a hearing on the application, after due notice to the sheriff and to the boards, and may grant or deny an increase or increases in the appropriations for the sheriff's offices. If any increase is granted, the board of county commissioners, and the budget commission, if there is a budget commission in the county, shall amend accordingly the budget of the appropriate county fund or funds. Such budget shall be brought into balance, if possible, by application of excess receipts in the said county fund or funds. If such excess receipts are not available in sufficient amount, the county fund budget or budgets shall be brought into balance by adding an item of "Vouchers unpaid" in the appropriate amount to the receipts side of the budget, and provision for paying such vouchers shall be made in the budget of the county fund for the next fiscal year.

(11) The department of administration shall file, before February 1 of each year, an annual report as to the appeals made pursuant to this section and its rulings thereon. The report shall be submitted to the presiding officers and the chairman of the appropriations committee of both houses of the legislature.

Section 8. Chapter 193, Florida Statutes, is amended by adding a new section 193.115, Florida Statutes, to read:

193.115 Municipal assessment rolls.—Ad valorem assessment rolls and certificates submitted to the department of revenue under the provisions of this chapter shall show the assessed valuation of exempt and non-exempt real and tangible personal property for each municipality in a county regardless of whether or not an operating millage is levied by the municipality.

Section 9. Chapter 200, Florida Statutes, is amended by adding a new section 200.191, Florida Statutes, to read:

200.191 Millages; definitions.—

(1) County millages shall be composed of three categories of county-wide millage rates:

(a) General county millage, which shall be that non-voted millage rate set by the governing body of the county.

(b) County debt service millage, which shall be that millage rate necessary to raise taxes for debt service as authorized by a vote of the electors pursuant to article VII, section 12 of the state constitution.

(c) County voted millage, which shall be that millage rate set by the governing body of the county as authorized by a vote of the electors pursuant to article VII, Section 9 (b) of the state constitution.

(2) Municipal millages shall be composed of three categories of municipal-wide millage rates:

(a) General municipal millage, which shall be that non-voted millage rate set by the governing body of the municipality.

(b) Municipal debt service millage, which shall be that millage rate necessary to raise taxes for debt service as authorized by a vote of the electors pursuant to article VII, section 12 of the state constitution.

(c) Municipal voted millage, which shall be that millage rate set by the governing body of the municipality as authorized by a vote of the electors pursuant to article VII, section 9(b) of the state constitution.

(3) School millages shall be composed of four categories of county-wide millage rates:

(a) Non-voted district school operating millage, which shall be that non-voted millage rate set by the county school board for current operating purposes.

(b) Voted district school operating millage, which shall be that millage rate set by the county school board for current school operating purposes as authorized by the electors pursuant to article VII, section 9(b) of the state constitution.

(c) Voted district school capital improvement millage, which shall be that millage rate set by the county school board for capital improvements as authorized by the electors.

(d) Voted district school debt service millage, which shall be that millage rate set by the county school board as authorized by a vote of the electors pursuant to article VII, section 12 of the state constitution.

(4) Special district millages shall be composed of two categories as follows:

(a) County-wide millages which shall be separated into two areas:

(i) A millage rate set by the board of county commissioners, ex officio or otherwise, which shall be identified as whether authorized by a special act approved by the electors, authorized pursuant to Article XII, Section 15, of the constitution, or otherwise; or

(ii) A millage rate set by a governing body of a special district, independent of the board of county commissioners, which shall be identified as whether authorized by a special act approved by the electors, authorized pursuant to Article XII, Section 15 of the constitution, or otherwise.

(b) Less than county-wide millages which shall be separated into two areas:

(i) A millage rate set by the board of county commissioners or the governing body of a municipality, ex officio or otherwise, which shall be identified as to the area covered and as whether authorized by a special act approved by the electors, authorized pursuant to Article XII, Section 15 of the Constitution, or otherwise; or

(ii) A millage rate set by a governing body of a special district, independent of the board of county commissioners or the governing body of a municipality, which shall be identified as whether authorized by a special act approved by the electors, authorized pursuant to Article XII, Section 15 of the constitution, or otherwise.

(c) Millage rates set by multi-county special districts shall be reported by the respective county areas as provided above.

(5) At any time millage rates are published for the purpose of giving notice, the rates shall be stated in terms of dollars and cents per every thousand dollars of assessed property value.

Section 10. For the fiscal year 1973-74, there is hereby appropriated a sum of one hundred forty-seven million eight hundred thirty-five thousand dollars ($147,835,000) from the revenue sharing trust fund for municipalities and a sum of fifty-nine million six hundred and eighty thousand dollars ($59,-680,000) from the revenue sharing trust fund for counties to be distributed in equal monthly amounts as provided herein.

Section 11. In the event that any provision or application of this act is held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

Section 12. This act shall take effect July 1, 1973; and section 1 of this act shall be repealed on June 30, 1974.

Senator Sayler offered the following amendment to Amendment 2 which failed:

Amendment 2a—On page 28, strike Section 12 and insert: Section 12—This act shall take effect July 1, 1973.

Amendment 2 was adopted.

Senator Deeb offered the following amendment which failed:

Amendment 3—On page 5, line 29, after the semi-colon insert the following: provided that any unit of local government receiving funds under this act shall reduce the ad valorem tax millage assessed by such unit of local government in an amount so as to reduce the total amount of money to be collected by ad valorem taxation by fifty per cent of the difference in the amount of funds said unit of local government receives under this act and the aggregate amount of funds said unit of local government received from the state during the fiscal year 1971-1972 under the provisions of the then existing §210.20(2)(a), §323.16(3), and §206.605;

On motion by Senator Lewis the following amendment was adopted:

Amendment 4—On page 12, line 19, after the word "boards" insert: and community college districts

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

Amendment 5—On page 8, line 3 strike ", as adjusted by multiplying its" and all of lines 4-16 and insert: a period (.)

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

Amendment 6—On page 2, line 2, strike "section 28.33 and"

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

Amendment 7—On page 2, line 8, after "sharing;" insert: providing an appropriation;

On motion by Senator Williams, by two-thirds vote CS for CS for HB 1176 as amended was read the third time by title and passed. The vote was:

Yeas—32

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

Nays—1

Trask

By unanimous consent Senator Childers was recorded as voting yea.

On motion by Senator Williams, the House was requested to concur in Senate amendments to CS for CS for HB 1176 and in the event the House refused to concur a conference committee was requested.

The bill was certified to the House.

On motion by Senator Barron, by two-thirds vote time of adjournment was extended until 6:00 p.m.

On motion by Senator Poston, by two-thirds vote HB 210 was placed at the end of the special order calendar.

CS for HB 105—A bill to be entitled An act relating to community-based service programs for the elderly; providing legislative intent and definitions; providing for the division of aging to establish and operate community based service programs for the elderly on a trial basis; providing for the selection of participating counties; providing for authority for the department of health and rehabilitative services to contract for services as necessary to implement the program; providing guidelines for enrollment of clients to be served; providing for the director of the division of aging to submit a report to the legislature at the end of the trial period; providing an effective date.

—was read the second time by title.

On motion by Senator Myers the following amendment was adopted:

Amendment 1—On page 2, line 14, strike everything after the enacting clause and insert: Section 1. Short title.—This act shall be known and may be cited as "The Community Care for the Elderly Program Development Act of 1973."

Section 2. Legislative intent.—The purpose of this act is to find acceptable and economically feasible ways to assist functionally impaired elderly persons to live dignified and reasonably independent lives in their own homes and residences through the development, expansion, reorganization and coordination of various community based service programs. The legislature intends that the community care for the elderly pro-

gram be established in three (3) or more eligible counties on a trial basis for a two year period in order that such programs may be demonstrated, studied and evaluated. This shall be done to determine the feasibility of such programs as a means of satisfying the unmet needs of Florida's elderly population with respect to home-delivered services. In addition, an evaluation shall be made of the potential effectiveness of such programs to diminish the rate of inappropriate entry and placement of functionally impaired elderly persons in nursing homes and related health care facilities.

Section 3. Definitions.—For the purposes of this act, the following words and phrases shall have the following meanings:

(1) "Elderly person" means any person who is sixty (60) years of age or older.

(2) "Functionally impaired person" is any person who is unable to perform the normal tasks of daily living. More specifically, a functionally impaired person is any person who is housebound, living at home, who requires help from others in order to cope with the normal demands of daily living.

(3) "Community care" means a community administered and community coordinated program of providing coordinated home delivery of selected services to functionally impaired or other elderly persons.

(4) "Health maintenance services" means those routine health services necessary to help confined elderly people maintain an appropriate standard of personal health. These services are provided by physicians, licensed to practice under chapters 458 or 459, Florida Statutes, registered nurses or other qualified health service personnel.

(5) "Homemaking and chore services" means those routine household services necessary to help functionally impaired older persons meet the normal demands of daily living. These services include light housekeeping and laundering, meal preparation, personal and food shopping, check cashing and bill paying, friendly visiting, minor household repairs and yard chores.

(6) "Mobile meals" means hot or cold nourishing meals prepared under the supervision of a dietician and delivered on a regular schedule to functionally impaired elderly persons living at home. This service should include a system for determining nutritional needs of participants.

(7) "Transportation service" means door-to-door vehicular transportation for functionally impaired or other elderly persons living at home.

(8) "Legal services" means assured access to legal counsel by functionally impaired or other elderly persons, especially those who are no longer able to make decisions effectively for themselves.

(9) "Counseling service" means the provision of information and advice by persons of professional or paraprofessional competence to enable elderly clients to make decisions on such personal matters as income, health, housing, transportation, and family, personal and social relationships.

(10) "Client" means any person enrolled and participating in a community care program who is receiving one or more of the available services.

(11) "Department" means the department of health and rehabilitative services.

Section 4. Community care for the elderly programs.—The department shall conduct or cause to be conducted a combination demonstration project and evaluation study to determine the feasibility of establishing a partially state supported and partially locally supported community care for the elderly program throughout Florida.

(1) In carrying out the demonstration phase of the program, the department shall establish or cause to be established community care for the elderly programs in three (3) or more eligible counties as appropriate and feasible to the extent that federal, state and local funding is available, provided that at least one of the counties should have a total population of less than thirty thousand (30,000) persons according to the 1970 census. The department shall promulgate procedures whereby interested counties, local agencies or local organizations may make application to participate in the program. These procedures shall provide that elderly persons or representatives of organizations composed of elderly persons shall be assured of maximum feasible participation in the planning of these programs.

(2) A community care for the elderly program, for the purposes of this act, shall include at least four home-delivered basic service components, namely:

(a) A health maintenance service;

(b) A homemaking and chore service;

(c) A mobile meal service; and

(d) A transportation service.

Additional services, such as legal services, counseling services and telephone reassurance services may be incorporated into the program as appropriate and to the extent that resources are available. These services may be furnished by public agencies or private organizations, but in each county, the total system providing the four basic services shall be coordinated by means of a single centralized management unit to be established, staffed and equipped for this purpose. The centralized management unit shall also be responsible for implementing all client interviewing, selection and enrollment procedures. The act contemplates the centralized management unit's salaried staff as being small, and consisting normally of a director-coordinator, a field worker and a secretary for each participating county; provided, however, that the centralized management staff may be augmented with temporary personnel and with volunteers from time to time as necessary. During their existence, these centralized management units shall have the status of field offices of the division within the department designated by the secretary to implement the program, and the field offices shall be accountable to that division.

(3) In order to be eligible to participate in the demonstration phase of this act, a county must meet the following requirements:

(a) A reasonable proportion of the funding necessary for the support of project operations within the county must be provided by one or more local, municipal or county sources, public or private, and contributions in kind whether materials, commodities, transportation, office space, other types of facilities or personal services may be evaluated and counted as part of this required local funding.

(4) The department of health and rehabilitative services may contract for any portion or for all of the services required by the community care for the elderly programs, and such contracts may be made with any other state agency, any unit of the state education system, and any county agency or any private corporation in order to accomplish the purposes of this act. This act contemplates that no existing services or facilities will be duplicated and all existing services will be utilized for the community care program to the fullest extent possible.

(a) This act further contemplates a significant input of contributed volunteer personal services, delivering mobile meals, providing transportation, staffing the telephone reassurance and friendly visiting programs; therefore, pursuant to authority granted by section 455.06, Florida Statutes, the department of health and rehabilitative services shall contract for the necessary insurance coverage to protect all volunteers from the normal risks of personal liability while they are acting within the scope of their volunteer assignments for the community care for the elderly program in which they are participating.

(5) The department shall promulgate guidelines for intake and enrollment of prospective clients in the respective counties, provided that priority shall be given to clients whose income is below the poverty level, but when deemed administratively feasible by the department, the community care for the elderly services may be extended to other income levels of elderly in Florida, utilizing a sliding fee scale reflective of the client's ability to pay for the services received.

(6) Once established, each of the county community care for the elderly programs shall be operated continuously for a period of two years, and to the extent feasible, the several county programs should be operated concurrently.

Section 5. Report.—The secretary of the department shall make a report to the speaker of the house of representatives and to the president of the senate summarizing the results of

the two-year community care for the elderly project. This report shall include an evaluation of the extent to which these programs achieved the program purposes as expressed in the statement of legislative intent. The report shall also include the information and data necessary for an accurate analysis of the costs and benefits associated with the establishment and operation of community care for the elderly programs. The report should include a complete description of the programs that were established, and may also include such further information and discussion as the department may deem appropriate and advisable. This report shall be submitted within thirty (30) days prior to each legislative session.

Section 6. Interpretation.—The provisions of this act shall be liberally construed in order that the purposes of this act may be effectively accomplished.

Section 7. No provision of this act is intended to conflict in any way with federal law under which this act is implemented and funded.

Section 8. Bureau of aging.—All powers, duties and functions of the bureau of aging as prescribed in sections 409.360 and 409.362, Florida Statutes, are transferred by a type three (3) transfer to the division of aging in the department of health and rehabilitative services. In addition, the department shall manage, plan, oversee and implement, where appropriate, services for elderly persons as provided in this act. In order to effect this purpose the department is authorized to accept gifts and grants of any nature and enter into contracts for the purchase of services.

Section 9. Effective date.—This act shall take effect July 1, 1973.

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

Amendment 2—On page 1, line 19, after the word "period;" insert the following: providing for non-conflict with existing federal laws; providing for a transfer of functions of the bureau of aging;

On motion by Senator Myers, by two-thirds vote CS for HB 105 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

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

Nays—None

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President June 1, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended by the required constitutional three-fifths vote of the House—

By Representative Dubbin—

HJR 2218—A joint resolution extending the regular 1973 legislative session under the authority of Article III, Section 3, of the State Constitution; establishing limitations in scope of legislation to be considered; providing for exceptions.

WHEREAS, the sixty (60) days of the 1973 regular session of the Florida Legislature expire on June 1, 1973, and the necessary tasks of the session, including the appropriating for schools and general government, have not been completed, NOW, THEREFORE,

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

The 1973 regular session of the Florida Legislature is extended until midnight Friday, June 8, 1973, under the authority of Article III, Section 3, of the State Constitution.

The regular session so extended shall only consider (1) HB 1331, relating to fair assessment; (2) CS for HB 734, relating to funding the public schools; (3) CS for HB 2144, relating to the salaries of county officials; (4) CS for CS for HB 1176, relating to revenue sharing; (5) SB 1343, the general appropriations bill, with related implementing measures, and, (6) HB 589, relating to the Department of Administration; (7) and $10,000 for Homestead Exemption for 65 years old and older. In addition, such other matters as may be allowed for consideration by a two-thirds vote of each house.

Upon adjournment Friday, June 1, the houses shall stand in recess until 11 a.m. on Wednesday, June 6, 1973.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HJR 2218, 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 HJR 2218 out of order. On motion by Senator de la Parte, by two-thirds vote HJR 2218 was read the second time.

Senators Weber, Plante and Sayler offered the following amendment which was moved by Senator Weber:

Amendment 1—On page 2, line 2, strike "older." and insert: older, and (8) HB 2053, and SB 201, relating to taxation of intangible personal property.

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

Amendment 1a—Strike "and SB 201,"

Amendment 1 as amended was adopted.

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

Amendment 2—On page 1, line 27, strike "with related implementing measures"

On motion by Senator Barron, by two-thirds vote HJR 2218 as amended was read the third time in full as follows:

HJR 2218—A joint resolution extending the regular 1973 legislative session under the authority of Article III, Section 3, of the State Constitution; establishing limitations in scope of legislation to be considered; providing for exceptions.

WHEREAS, the sixty (60) days of the 1973 regular session of the Florida Legislature expire on June 1, 1973, and the necessary tasks of the session, including the appropriating for schools and general government, have not been completed, NOW, THEREFORE,

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

The 1973 regular session of the Florida Legislature is extended until midnight Friday, June 8, 1973, under the authority of Article III, Section 3, of the State Constitution.

The regular session so extended shall only consider (1) HB 1331, relating to fair assessment; (2) CS for HB 734, relating to funding the public schools; (3) CS for HB 2144, relating to the salaries of county officials; (4) CS for CS for HB 1176, relating to revenue sharing; (5) SB 1343, the general appropriations bill, with related implementing measures, and, (6) HB 589, relating to the Department of Administration; (7) and $10,000 for Homestead Exemption for 65 years old and older, and (8) HB 2053, relating to taxation of intangible personal property. In addition, such other matters as may be allowed for consideration by two-thirds vote of each house.

Upon adjournment Friday, June 1, the houses shall stand in recess until 11 a.m. on Wednesday, June 6, 1973.

—and passed as amended with the required constitutional three-fifths vote of the membership and was certified to the House. The vote was:

Yeas—32

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

Nays—7

Deeb	Johnston	Sykes	Wilson
Johnson	Sayler	Ware	

Senator Barron moved that upon recessing this date until Wednesday, June 6, pursuant to HJR 2218, that per diem be waived by all Senators except those on conference committees. The motion was adopted.

On motion by Senator Barron, the Senate agreed that upon reconvening on Wednesday, June 6, all bills pending on the calendar would be laid on the table except those included in HJR 2218.

The Honorable Mallory E. Horne, President June 1, 1973

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

By the Committee on Appropriations and Representative Martinez and others—

CS for CS for HB 1166—A bill to be entitled An act relating to milk and milk products; amending Section 20.14, Florida Statutes, providing a transfer of the powers of the Division of Health relating to milk and milk products to the Department of Agriculture & Consumer Services; amending section 502.171, Florida Statutes, deleting the provisions permitting local inspection and regulation of milk and milk products; amending section 502.211, Florida Statutes, providing for uniform statewide regulation; and notice to the division of health; creating section 502.232, Florida Statutes, providing for superseding all municipal or county laws; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for CS for HB 1166, contained in the above message, was read the first time by title and placed on the calendar.

The Senate resumed—

SPECIAL ORDER

HB 814—A bill to be entitled An act relating to the Governor's Council on Criminal Justice; authorizing reimbursements to the Law Enforcement Assistance Administration for unallowable expenditures from federal funds; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote HB 814 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—None

The Senate proceeded to consideration of the Special Order Calendar beginning with—

CS for HB 1—A bill to be entitled An act relating to transportation; providing for construction of bicycle trails and footpaths along state roads; authorizing the department of transportation, in cooperation with the division of recreation and parks of the department of natural resources, to establish a statewide intergrated system of bicycle trails and footpaths along certain state roads; providing for cooperation between the department of transportation and the division of parks with any municipality in the state which maintains bicycle trails or footpaths for the purpose of developing said comprehensive statewide plan; providing for construction standards; providing for a uniform system of signs; providing for rules and regulations; providing an appropriation; providing legislative intent; providing an effective date.

—which was read the second time by title.

On motion by Senator Sims the following amendment was adopted:

Amendment 1—On page 2, lines 10-12, section 3, strike all of lines 10 through 12 and insert:

Section 3. Appropriations for the purposes of this act shall be provided for as set forth in the 1973 general appropriation act for establishment, construction and

On motion by Senator Poston, by two-thirds vote CS for HB 1 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—30

Mr. President	Gruber	Plante	Trask
Brantley	Henderson	Poston	Vogt
Childers	Johnson	Saunders	Ware
de la Parte	Johnston	Sayler	Weber
Firestone	Lane (23rd)	Scarborough	Wilson
Gillespie	Lewis	Sims	Winn
Gordon	Peterson	Stolzenburg	
Graham	Pettigrew	Sykes	

Nays—None

HB 847—A bill to be entitled An act relating to arrests; amending §811.022(2), Florida Statutes, 1971, relating to shoplifting, to provide for arrest either on or off the premises by a peace officer without a warrant and upon probable cause; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote HB 847 was read the third time by title, passed and certified to the House. The vote was:

Yeas—29

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

Nays—2

Henderson	Wilson

By unanimous consent Senator Myers was recorded as voting yea.

HB 1630—A bill to be entitled An act relating to the state officers' compensation commission; amending §112.192(3), Florida Statutes, 1972 Supplement, to provide that any person within the two (2) years prior to appointment that has sought to influence legislation, administrative decisions, or judicial de-

cisions directly affecting the compensation of members or employees of the legislative, judicial, or executive branches of government, or those officers specified in §112.192(7), Florida Statutes, 1972 Supplement, on behalf of such members, employees, or officers, shall be ineligible to be a member of the commission; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote HB 1630 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	Vogt
Childers	Henderson	Pettigrew	Ware
de la Parte	Johnson	Poston	Wilson
Firestone	Johnston	Scarborough	Winn
Gallen	Lane (23rd)	Sims	Zinkil
Gillespie	Lewis	Stolzenburg	
Gordon	McClain	Sykes	

Nays—None

CS for HB 1632—A bill to be entitled An act relating to the state officers' compensation commission; amending Section 112.192(1) and (2), Florida Statutes, 1972 Supplement, to provide for one year terms for all members of the commission; adding subsection (3), terminating on July 1, 1973 the terms of the members appointed heretofore; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote CS for HB 1632 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	Johnson	Poston	Williams
Firestone	Johnston	Scarborough	Wilson
Gallen	Lane (23rd)	Sims	Winn
Gillespie	Lewis	Stolzenburg	Zinkil
Gordon	McClain	Sykes	

Nays—None

HB 1342—A bill to be entitled An act relating to investment of funds by clerk of the circuit court; providing that interest from such investments shall be income of the clerk's office; repealing section 43.17, Florida Statutes, 1971, relating to certain moneys paid into courts in the state; providing an effective date.

—was read the second time by title. On motion by Senator Gillespie, by two-thirds vote HB 1342 was read the third time by title, passed and certified to the House. The vote was:

Yeas—27

Mr. President	Gruber	Peterson	Vogt
Brantley	Henderson	Plante	Ware
Childers	Johnston	Poston	Williams
Firestone	Lane (23rd)	Scarborough	Wilson
Gillespie	Lewis	Sims	Winn
Gordon	McClain	Stolzenburg	Zinkil
Graham	Myers	Trask	

Nays—None

SB 906 was laid on the table.

HB 1497—A bill to be entitled An act relating to detainers; enacting the interstate agreement on detainers; providing for final disposition of charges; providing for custody or availability; providing for delivery of temporary custody; providing for interstate cooperation; requiring delivery by warden; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 1497 was read the third time by title, passed and certified to the House. The vote was:

Yeas—27

Mr. President	Henderson	Plante	Vogt
Brantley	Johnston	Poston	Ware
Childers	Lane (23rd)	Scarborough	Williams
de la Parte	Lewis	Sims	Wilson
Firestone	McClain	Smathers	Winn
Gordon	Myers	Stolzenburg	Zinkil
Gruber	Peterson	Trask	

Nays—None

By unanimous consent Senator Pettigrew was recorded as voting yea.

HB 1498—A bill to be entitled An act relating to corrections; providing for participation in an enactment of the Interstate Corrections Compact; providing definitions; providing for the transfer of inmates between contracting states; providing for administration of compact and rights of inmates; providing for withdrawal and termination; providing powers of secretary of department of health and rehabilitative services; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 1498 was read the third time by title, passed and certified to the House. The vote was:

Yeas—29

Mr. President	Henderson	Plante	Ware
Brantley	Johnston	Poston	Williams
Childers	Lane (23rd)	Scarborough	Wilson
de la Parte	Lewis	Sims	Winn
Firestone	McClain	Smathers	Zinkil
Gillespie	Myers	Stolzenburg	
Gordon	Peterson	Trask	
Gruber	Pettigrew	Vogt	

Nays—None

SB 665 was laid on the table.

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

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 1358 was read the third time by title, passed and certified to the House. The vote was:

Yeas—30

Mr. President	Gruber	Pettigrew	Vogt
Brantley	Henderson	Plante	Ware
Childers	Johnston	Poston	Williams
de la Parte	Lane (23rd)	Scarborough	Wilson
Firestone	Lewis	Sims	Winn
Gillespie	McClain	Smathers	Zinkil
Gordon	Myers	Stolzenburg	
Graham	Peterson	Trask	

Nays—None

SB 362 was taken up and on motion by Senator Lane (23rd)—

CS for CS for HB 1166—A bill to be entitled An act relating to milk and milk products; amending section 502.171, Florida Statutes, deleting the provisions permitting local inspection and regulation of milk and milk products; amending section 502.211, Florida Statutes, providing for uniform statewide regu-

lation; and notice to the division of health; creating section 502.232, Florida Statutes, providing for superseding all municipal or county laws; providing an effective date.

—a companion measure was substituted therefor. On motion by Senator Lane (23rd), by two-thirds vote CS for CS for HB 1166 was read the second time by title.

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

Amendment 1—On page 2, line 21, strike all of Section 3. and renumber following sections.

On motion by Senator Lane (23rd), by two-thirds vote CS for CS for HB 1166 was read the third time by title, passed and certified to the House. The vote was:

Yeas—19

Mr. President	Gruber	McClain	Stolzenburg
Firestone	Henderson	Peterson	Sykes
Gallen	Johnson	Plante	Trask
Gillespie	Lane (23rd)	Poston	Weber
Graham	Lewis	Sims	

Nays—13

Brantley	Myers	Ware	Zinkil
Childers	Pettigrew	Williams	
Gordon	Smathers	Wilson	
Johnston	Vogt	Winn	

On motion by Senator Firestone, the rules were waived and time of adjournment was extended until 6:30 p.m.

HB 81—A bill to be entitled An act relating to motor vehicle license taxes, mobile homes; amending section 320.081(3) and (4), Florida Statutes; relating to collection and distribution of fees; redefining the formula for the distribution of such fees to school boards, counties and cities; providing an effective date.

—was read the second time by title. On motion by Senator Lane (23rd), by two-thirds vote HB 81 was read the third time by title, passed and certified to the House. The vote was:

Yeas—25

Mr. President	Johnson	Poston	Weber
Brantley	Johnston	Saunders	Wilson
Childers	Lane (23rd)	Sims	Winn
Firestone	Lewis	Stolzenburg	Zinkil
Gillespie	McClain	Sykes	
Graham	Myers	Trask	
Gruber	Peterson	Vogt	

Nays—None

Consideration of HB 1589 was deferred.

HB 1381—A bill to be entitled An act relating to governmental organization; amending §§20.17(2) and 443.03(16)(b), Florida Statutes; amending subsection (2) of §20.17, Florida Statutes, 1972 Supplement, establishing a division of employment security; creating subsection (10) of §20.17, Florida Statutes, 1972 Supplement, providing for bureaus within the division; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote HB 1381 was read the third time by title, passed and certified to the House. The vote was:

Yeas—26

Mr. President	Gruber	Peterson	Sykes
Brantley	Henderson	Pettigrew	Trask
Childers	Johnson	Poston	Vogt
Firestone	Johnston	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Winn
Gordon	Lewis	Smathers	
Graham	Myers	Stolzenburg	

Nays—None

HB 1851—A bill to be entitled An act relating to beverage licenses; providing that restaurants which are a part of or serve publicly owned or leased airports are exempt from requirements of law regarding the minimum size and seating capacity of such restaurants; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 1851 was read the third time by title, passed and certified to the House. The vote was:

Yeas—26

Mr. President	Gruber	Pettigrew	Trask
Brantley	Henderson	Poston	Vogt
Firestone	Johnson	Sayler	Williams
Gallen	Lane (23rd)	Sims	Wilson
Gillespie	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	
Graham	Myers	Sykes	

Nays—2

Peterson	Zinkil

HB 1089—A bill to be entitled An act relating to the department of transportation; designating U.S. Highway 90 in Okaloosa County as the James W. Lee Boulevard; authorizing the department of transportation to affix markers; providing an effective date.

—was read the second time by title. On motion by Senator Poston, by two-thirds vote HB 1089 was read the third time by title, passed and certified to the House. The vote was:

Yeas—30

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Williams
Firestone	Johnston	Sayler	Winn
Gallen	Lane (23rd)	Sims	Zinkil
Gillespie	Lewis	Smathers	
Gordon	McClain	Stolzenburg	

Nays—None

CS for HB 754—A bill to be entitled An act relating to alcoholic beverages; amending section 562.13, Florida Statutes, 1972 Supplement, providing that persons under seventeen years of age may be employed as actors, actresses, or musicians in bona fide food service establishments in which alcoholic beverages are served; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote CS for HB 754 was read the third time by title, passed and certified to the House. The vote was:

Yeas—15

Mr. President	Gruber	Lewis	Sykes
Brantley	Henderson	Pettigrew	Weber
Firestone	Johnson	Poston	Winn
Graham	Lane (23rd)	Sayler	

Nays—12

Childers	McClain	Smathers	Vogt
Gillespie	Peterson	Stolzenburg	Williams
Johnston	Sims	Trask	Zinkil

HB 252—A bill to be entitled An act relating to the offense of attempt to break and enter with intent to commit a misdemeanor; amending section 810.05, Florida Statutes, by adding a new subsection to provide for the offense of attempt to break and enter with intent to commit a misdemeanor; providing a penalty therefor; providing an effective date.

—was read the second time by title. On motion by Senator McClain, by two-thirds vote HB 252 was read the third time by title, passed and certified to the House. The vote was:

Yeas—29

Mr. President	Henderson	Pettigrew	Trask
Brantley	Johnson	Poston	Weber
Childers	Johnston	Saunders	Williams
Firestone	Lane (23rd)	Sayler	Winn
Gillespie	Lewis	Sims	Zinkil
Gordon	McClain	Smathers	
Graham	Myers	Stolzenburg	
Gruber	Peterson	Sykes	

Nays—None

HB 941—A bill to be entitled An act relating to the capitol center; amending §272.11, Florida Statutes, 1971, to transfer responsibility for the capitol information center from the division of building construction and maintenance of the department of general services to the division of tourism of the department of commerce; providing an effective date.

—was read the second time by title. On motion by Senator Williams, by two-thirds vote HB 941 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Mr. President	Gruber	Peterson	Sykes
Brantley	Henderson	Pettigrew	Trask
Childers	Johnson	Poston	Vogt
de la Parte	Johnston	Saunders	Weber
Firestone	Lane (23rd)	Sayler	Williams
Gillespie	Lewis	Sims	Winn
Gordon	McClain	Smathers	Zinkil
Graham	Myers	Stolzenburg	

Nays—None

HB 2161—A bill to be entitled An act relating to the division of retardation; amending subsection 393.01(2) and section 393.11, Florida Statutes, to provide for voluntary and involuntary admissions to residential programs; transferring section 393.031, Florida Statutes, and amending section 393.021, Florida Statutes, to provide for application for services to be made to the department of health and rehabilitative services and examinations by an evaluation team; amending section 393.04, Florida Statutes, to limit the department of health and rehabilitative services guardianship of residents to those incompetent or under the statutory age of majority and with no available alternative guardian, amending section 393.12, Florida Statutes, to provide for the issue of competency to be a separate and distinct determination and not a presumption of admission; providing for validation of prior admissions within ninety (90) days; amending section 393.05, Florida Statutes, providing discharge after admission to residential care, and after criminal or juvenile commitment; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator de la Parte, by two-thirds vote HB 2161 was read the third time by title, passed and certified to the House. The vote was:

Yeas—28

Mr. President	Johnson	Plante	Sykes
Brantley	Lane (23rd)	Poston	Trask
Childers	Lewis	Saunders	Vogt
de la Parte	McClain	Sayler	Weber
Firestone	Myers	Sims	Williams
Gordon	Peterson	Smathers	Winn
Henderson	Pettigrew	Stolzenburg	Zinkil

Nays—None

CS for HB's 914 & 915—A bill to be entitled An act relating to educational loans and grants; amending subsection 239.67(4)(a), Florida Statutes, providing eligibility criteria for loans; providing maximum loan amount; providing use of loans; repealing subsection 239.67(4)(b), Florida Statutes, amending subsection 239.67(7)(a), Florida Statutes, providing repayment procedures for loans; amending subsection 239.461 (2)(a), Florida Statutes, 1972 Supplement, providing maximum grant amount; providing institutional eligibility; providing an effective date.

—was read the second time by title. On motion by Senator Williams, by two-thirds vote CS for HB's 914 and 915 was read the third time by title, passed and certified to the House. The vote was:

Yeas—29

Mr. President	Henderson	Poston	Trask
Brantley	Johnson	Saunders	Vogt
Childers	Lane (23rd)	Sayler	Williams
de la Parte	Lewis	Scarborough	Winn
Firestone	McClain	Sims	Zinkil
Gillespie	Myers	Smathers	
Gordon	Peterson	Stolzenburg	
Graham	Pettigrew	Sykes	

Nays—None

HJR 1907—A joint resolution proposing an amendment to Section 1 of Article VIII of the state constitution relating to nomenclature of county officers.

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

That the amendment to section 1 of Article VIII of the state constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1974:

Section 1. Counties.—

(a) POLITICAL SUBDIVISIONS. The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment or apportionment of the public debt.

(b) COUNTY FUNDS. The care, custody and method of disbursing county funds shall be provided by general law.

(c) GOVERNMENT. Pursuant to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.

(d) COUNTY OFFICERS. There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a *property appraiser*, ~~tax assessor,~~ a supervisor of elections, and a clerk of the circuit court; except when provided by county charter or special law approved by vote of the electors of the county, any county officer may be chosen in another manner therein specified, or any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office. When not otherwise provided by county charter or special law approved by vote of the electors, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds.

(e) COMMISSIONERS. Except when otherwise provided by county charter, the governing body of each county shall be a board of county commissioners composed of five members serving staggered terms of four years. After each decennial census the board of county commissioners shall divide the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner residing in each district shall be elected by the electors of the county.

(f) NON-CHARTER GOVERNMENT. Counties not operating under county charters shall have such power of self-government as is provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or special law, but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict.

(g) CHARTER GOVERNMENT. Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.

(h) TAXES; LIMITATION. Property situate within municipalities shall not be subject to taxation for services rendered

by the county exclusively for the benefit of the property or residents in unincorporated areas.

(i) COUNTY ORDINANCES. Each county ordinance shall be filed with the secretary of state and shall become effective at such time thereafter as is provided by general law.

(j) VIOLATION OF ORDINANCES. Persons violating county ordinances shall be prosecuted and punished as provided by law.

(k) COUNTY SEAT. In every county there shall be a county seat at which shall be located the principal offices and permanent records of all county officers. The county seat may not be moved except as provided by general law. Branch offices for the conduct of county business may be established elsewhere in the county by resolution of the governing body of the county in the manner prescribed by law. No instrument shall be deemed recorded in the county until filed at the county seat according to law.

Section 2. The proposal shall appear on the ballot as follows:

Change the name of the office of "Tax Assessor" to "Property Appraiser".

For Against—

—was read the second time. On motion by Senator Saunders, by two-thirds vote HJR 1907 was read the third time in full and passed with the required constitutional three-fifths vote of the membership and was certified to the House. The vote was:

Yeas—27

Mr. President	Henderson	Plante	Sykes
Brantley	Johnson	Poston	Trask
Childers	Lane (23rd)	Saunders	Vogt
Firestone	Lewis	Scarborough	Williams
Gillespie	Myers	Sims	Winn
Gordon	Peterson	Smathers	Zinkil
Graham	Pettigrew	Stolzenburg	

Nays—1

Sayler

CS for HB 1589—A bill to be entitled An act relating to the collection of ad valorem taxes; amending §§197.012, 197.016, 197.056, 197.062(2), 197.072(1) and (2), 197.076, 197.082, 197.-106(1) and (2), 197.116(3) and (4) and adding subsection (6) thereto, 197.121(1), 197.132, 197.136, 197.151, 197.156(1), 197.-176, 197.181, 197.186, 197.191, 197.201, 197.216, 197.236(1), (2), and (5), 197.241, 197.246, adding subsection (2) to §197.266, amending §§197.256, 197.261, 197.271, 197.291(2), 197.302(1), 197.311, 197.351, 197.356(4) and adding subsections (5), (6), (7), (8), and (9) thereto, all Florida Statutes, 1972 Supplement; adding a new section to chapter 95, Florida Statutes; transferring §197.286, Florida Statutes, 1972 Supplement, to chapter 95, Florida Statutes, and amending said section; amending §125.-39, Florida Statutes, 1971; transferring and renumbering §197.-251, Florida Statutes, 1972 Supplement, as subsection (2) of §197.246, Florida Statutes; amending §§173.01, 193.102(1), and §193.481(6), all Florida Statutes, 1971; providing for time of discounts; providing for distributions of taxes collected providing for collections on railroad spurs; providing statutes of limitation for tax liens, certificates, and suits for recovery of land acquired by tax deed; providing that chapter 197 is the exclusive means of enforcing a tax certificate; providing an interest rate on personal property; providing for a single certificate per year; providing a fee to the tax collector for redemptions, purchases of county certificates and omitted years taxes; clarifying the minimum five percent (5%) charge on certificates; providing for distribution of unclaimed redemption money and sale proceeds; providing for procedural requirements and duties in the redemption of tax certificates; providing for the time and methods of enforcing tax certificates; providing for sales of property at public auction; providing for notices; providing for distribution of proceeds of sales; providing for a method for sale of property acquired by the county through tax proceedings; providing for implementation procedures; repealing §197.465(2)., Florida Statutes, 1969, as amended by chapter 72-268, Laws of Florida, appearing as §197.141(3), Florida Statutes, 1972 Supplement, §197.236(3) and (6), Florida Statutes, 1972 Supplement, as created by chapter 72-268, Laws of Florida, §197.291(3), Florida Statutes, 1972 Supplement, as created by chapter 72-268, Laws of Florida, §197.610, Florida Statutes, 1969, as amended by chapter 72-268, Laws of Florida, appearing as §197.316, Florida Statutes, 1972 Supplement, §197.615, Florida Statutes, 1969, as amended by chapter 72-268, Laws of Florida, appearing as §197.321, Florida Statutes, 1972 Supplement, §197.680, Florida Statutes, 1969, as amended by chapter 72-268, Laws of Florida, appearing as §197.331, Florida Statutes, 1972 Supplement, §197.665, Florida Statutes, 1969, as amended by chapter 72-268, Laws of Florida, appearing as §197.336, Florida Statutes, 1972 Supplement, §50.061(6), Florida Statutes, 1971, §193.481(4), Florida Statutes, 1969, appearing as §193.481(5), Florida Statutes, 1971, §§211.14, 211.15, and 211.16, Florida Statutes, 1971, which provided for payment of other taxes upon transfer of tax certificates, authority to transfer certain twenty (20) year old municipal certificates, cancellation of twenty (20) year old certificates by the clerk, limitations on actions where grantee of a tax deed has paid taxes for twenty (20) years, limitations where a patent has not been issued prior to assessment, termination of rights upon entry of a final judgment in the county, the distribution of proceeds, inapplicability of chapter 50 to tax notices, disposition of unclaimed funds in the hands of the clerk, applicability of general law to certain subsurface rights, certificates and deeds on surface rights, and local acts and general acts of local application to the extent they conflict with chapter 197; 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 Graham:

Amendment 1—On page 11, lines 20 and 21 strike "subsection (6)" and insert: subsection (6) and (7)

Amendment 2—On page 12, after line 24 insert:
(7) No certificate shall be sold on, nor any lien created in, property owned by any governmental unit whose property has become subject to taxation due to its lease to a nongovernmental lessee. Such delinquent taxes shall be enforced and collected in the manner provided in subsection 196.199 (7), Florida Statutes.

Amendment 3—On page 13, line 2, Section 10 strike "2" through 7 inclusive" and insert: *been paid, upon written demand by the aggrieved taxpayer alleging the circumstances, the tax collector shall initiate action to cancel any improperly issued tax certificate or deed in accordance with the provisions of section 197.206. If the tax collector fails to act within a reasonable time he shall be liable for all legitimate expenses to which the aggrieved tax payer may be put in clearing his title, including a reasonable attorney's fee. The office of the tax collector*

Amendment 4—On page 1, line 8 in title strike "subsection (6)" and insert: subsections (6) and (7)

Amendment 5—On page 11, line 5 strike "~~door~~" and insert: door

Amendment 6—On page 11, line 19 after the word "subsections" insert: (2),

Amendment 7—On page 11, line 21 insert: (2) The land shall be struck off to the person who will pay the tax, interest, costs, and charges and will demand the lowest rate of interest, not in excess of 12 percent per year. *The tax collector shall accept fractional interest rate bids where the fraction is one quarter of one percent or larger.* If there is no buyer the land shall be struck off to the county at the maximum rate of interest allowed by law.

Amendment 8— On page 1, line 8 in title at the beginning of the line insert: (2),

On motion by Senator Graham, by two-thirds vote CS for HB 1589 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

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

Nays—None

HM 1307—A memorial to the Congress of the United States, urging Congress to take immediate steps to account for the more than thirteen hundred Americans still missing in action in Southeast Asia.

—was read the second time in full. On motion by Senator Zinkil, HM 1307 was unanimously adopted and certified to the House.

HB 1770—A bill to be entitled An act relating to the physical therapy practice act; amending §§486.021(1) and (3), 486.041, 486.051, 486.052, 486.081, 486.102, 486.103, 486.104, 486.105, 486.106, and 486.107, Florida Statutes, 1971, to include electromyography within the definition of physical therapy; changing definition; changing the registration provision with respect to physical therapists to a licensing provision and increasing the charge therefor; increasing fees; amending §486.171(2), Florida Statutes, 1971, to grandfather in certain aides to physical therapists; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote HB 1770 was read the third time by title, passed and certified to the House. The vote was:

Yeas—30

Mr. President	Henderson	Plante	Vogt
Brantley	Johnson	Poston	Ware
Childers	Lane (23rd)	Saunders	Weber
de la Parte	Lewis	Scarborough	Williams
Firestone	McClain	Sims	Wilson
Gillespie	Myers	Smathers	Winn
Gordon	Peterson	Stolzenburg	
Graham	Pettigrew	Sykes	

Nays—None

HB 2070—A bill to be entitled An act relating to affairs of decedents, missing persons, protected persons, minors, incapacitated persons and certain others; establishing a uniform probate code study commission; repealing sections 69.031, 654.04, 665.301 and 665.311, Florida Statutes, relating to such matters; repealing chapters 293, 294, 690, 691, 731, 732, 733, 734, 735, 736, 737, 744, 745, 746 and 747, Florida Statutes, relating to veterans' guardianship, uniform prinicipal and income law, trust administration, Florida probate law and estates of decedents, and Florida guardianship law; providing an effective date.

—was read the second time by title. On motion by Senator Williams, by two-thirds vote HB 2070 was read the third time by title, passed and certified to the House. The vote was:

Yeas—28

Mr. President	Graham	Pettigrew	Stolzenburg
Brantley	Henderson	Poston	Sykes
Childers	Johnson	Saunders	Vogt
de la Parte	Lewis	Sayler	Ware
Firestone	McClain	Scarborough	Weber
Gillespie	Myers	Sims	Williams
Gordon	Peterson	Smathers	Wilson

Nays—None

CS for HB 2145—A bill to be entitled An act relating to administrative procedures; amending Section 120.021, Florida Statutes, redefining the terms "agency", and "rule" as used in Chapter 120, Florida Statutes; amending Sections 120.031 and 120.041, Florida Statutes, modifying the procedures for adoption of rules and the filing and taking effect of such rules; amending Section 120.21(1) and (2), Florida Statutes, redefining the term "adjudication" as used in Chapter 120, Florida Statutes; providing an effective date.

—was read the second time by title. On motion by Senator Williams, by two-thirds vote CS for HB 2145 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

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

Nays—None

HB 1462—A bill to be entitled An act relating to Southern growth policies, enacting into law the Southern Growth Policies Agreement; providing an effective date.

—was read the second time by title. On motion by Senator Williams, by two-thirds vote HB 1462 was read the third time by title, passed and certified to the House. The vote was:

Yeas—28

Mr. President	Henderson	Pettigrew	Stolzenburg
Childers	Johnson	Plante	Sykes
de la Parte	Lane (23rd)	Poston	Trask
Firestone	Lewis	Saunders	Vogt
Gillespie	McClain	Sayler	Ware
Gordon	Myers	Sims	Williams
Graham	Peterson	Smathers	Wilson

Nays—2

Brantley Zinkil

SB 1259 was laid on the table.

HB 1713—A bill to be entitled An act relating to the department of professional and occupational regulation; amending subsection 215.37(4), Florida Statutes, 1972 Supplement to Florida Statutes, 1971, to provide for the deposit of the examining boards' service charge; providing an effective date.

—was read the second time by title. On motion by Senator Williams, by two-thirds vote HB 1713 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Mr. President	Johnson	Poston	Vogt
Brantley	Lane (23rd)	Saunders	Ware
Childers	Lewis	Scarborough	Weber
Firestone	McClain	Sims	Williams
Gillespie	Myers	Smathers	Wilson
Gordon	Peterson	Stolzenburg	Winn
Graham	Pettigrew	Sykes	Zinkil
Henderson	Plante	Trask	

Nays—None

HB 262—A bill to be entitled An act relating to conservation; amending §370.041(2), Florida Statutes, to provide that possession of sea oats or sea grapes shall constitute prima facie evidence of violation of said section, which provides that unlawful cutting, harvesting, removal, or eradication of said plants is a misdemeanor; providing an effective date.

—was taken up pending roll call.

The Committee on Agriculture offered the following amendments which were adopted by two-thirds vote on motions by Senator Peterson:

Amendment 1—On page 2, line 3 strike period "(.)" and insert: , provided that licensed, certified nurserymen who grow any of the native plants listed in this section from seeds or by vegetative propagation are specifically permitted to sell these commercially grown plants and shall not be in violation of this section of the law if they do so, as it is the intent of the law to preserve and encourage the growth of these native plants which are rapidly disappearing from the state.

Amendment 2—On page 1, line 12 in title after the semicolon (;) insert: providing exceptions;

HB 262 as amended was read by title, passed and certified to the House. The vote was:

Yeas—28

Mr. President	Johnson	Poston	Weber
Brantley	Lane (23rd)	Saunders	Williams
Childers	Lewis	Scarborough	Winn
Firestone	McClain	Sims	Zinkil
Gillespie	Myers	Stolzenburg	
Gordon	Peterson	Sykes	
Graham	Pettigrew	Trask	
Henderson	Plante	Vogt	

Nays—1

Wilson

HB 39—A bill to be entitled An act relating to egg inspection fees; repealing section 583.07, Florida Statutes, eliminating the inspection fee collected by the department of agriculture and consumer services; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote HB 39 was read the third time by title, passed and certified to the House. The vote was:

Yeas—27

Mr. President	Henderson	Poston	Ware
Brantley	Johnson	Saunders	Weber
Childers	Lane (23rd)	Scarborough	Williams
Firestone	Lewis	Stolzenburg	Wilson
Gillespie	McClain	Sykes	Winn
Gordon	Peterson	Trask	Zinkil
Graham	Pettigrew	Vogt	

Nays—None

HB 1823—A bill to be entitled An act relating to flood control districts, water shortage emergencies; amending chapter 72-730, Laws of Florida, by deleting the repealing clause; providing an effective date.

—was read the second time by title. On motion by Senator Lane (23rd), by two-thirds vote HB 1823 was read the third time by title, passed and certified to the House. The vote was:

Yeas—27

Mr. President	Graham	Poston	Vogt
Brantley	Henderson	Saunders	Ware
Childers	Lane (23rd)	Scarborough	Williams
de la Parte	Lewis	Sims	Wilson
Firestone	McClain	Smathers	Winn
Gillespie	Peterson	Stolzenburg	Zinkil
Gordon	Pettigrew	Trask	

Nays—1

Sykes

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

SB 1316 was laid on the table.

HCR 2216—A concurrent resolution in memory of Milton N. Weir, Jr.

—was read the second time in full. On motion by Senator Sayler HCR 2216 was adopted and certified to the House. The vote was:

Yeas—29

Mr. President	Henderson	Saunders	Weber
Brantley	Lane (23rd)	Scarborough	Williams
Childers	Lewis	Sims	Wilson
de la Parte	McClain	Smathers	Winn
Firestone	Myers	Stolzenburg	Zinkil
Gillespie	Peterson	Trask	
Gordon	Pettigrew	Vogt	
Graham	Poston	Ware	

Nays—None

On motion by Senator Firestone, the rules were waived and time of adjournment was extended until 6:45 p.m.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President June 1, 1973

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

By Senator Johnson—

SB 299—A bill to be entitled An act relating to railroads; amending §351.03, Florida Statutes; requiring railroads to exercise reasonable care at road crossings; providing an effective date.

Which amendment reads as follows—

On page 1, line 6, insert after "railroads" the words "and motorists"

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motion by Senator Smathers, the Senate concurred in the House amendment to SB 299.

SB 299 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—30

Mr. President	Graham	Pettigrew	Vogt
Brantley	Henderson	Plante	Ware
Childers	Johnson	Poston	Williams
Deeb	Lane (23rd)	Sims	Wilson
de la Parte	Lewis	Smathers	Winn
Firestone	McClain	Stolzenburg	Zinkil
Gillespie	Myers	Sykes	
Gordon	Peterson	Trask	

Nays—None

The Honorable Mallory E. Horne, President June 1, 1973

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

By Representatives A. S. Robinson, Price, Richmond, Kiser, Crane, Savage, Whitson, Wilson, and Grizzle—

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.

Amendment 1—On page 2, line 27 strike menbership and insert the following: 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 the following: or service charges

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

Amendment 5—On page 6, lines 1 thru 21 strike entire lines and insert the following: 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 thru line 10 on page 7 strike entire lines and insert the following: 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 following: the authority from funds derived under the provisions of section 5.

Amendment 8—On page 8, lines 14 - 22 strike entire lines and insert the following: 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 title, lines 10—14 strike entire lines and insert the following: powers; providing for the establishment of fire control districts; providing alternate methods of funding; providing fire

—and requests the Senate to recede therefrom.

Allen Morris, Clerk

On motion by Senator Deeb, the Senate receded from Senate amendments 1 through 9 and HB 2081 passed. The action of the Senate was certified to the House and the vote was:

Yeas—28

Mr. President	Gordon	Myers	Stolzenburg
Brantley	Graham	Peterson	Sykes
Childers	Henderson	Pettigrew	Trask
Deeb	Johnson	Plante	Vogt
de la Parte	Lane (23rd)	Poston	Williams
Firestone	Lewis	Sims	Winn
Gillespie	McClain	Smathers	Zinkil

Nays—None

MESSAGE FROM THE GOVERNOR

The Governor advised that he had filed in the office of the Secretary of State Senate Bills 531 and 611 and CS for SB 637 which he had approved June 1, 1973.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President June 1, 1973

I am directed to inform the Senate that the House of Representatives has passed SB 521 SB 280

Allen Morris, Clerk

The Honorable Mallory E. Horne, President June 1, 1973

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

SB 489	SB 689	SB 1351
SB 1294	SB 469	SB 483
SB 508	SB 854	SB 153
SB 609	SB 825	SB 519
SB 967	SB 1155	
SB 1367	SB 97	

Allen Morris, Clerk

The Honorable Mallory E. Horne, President June 1, 1973

I am directed to inform the Senate that the House of Representatives has adopted SCR 295.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President June 1, 1973

I am directed to inform the Senate that the House of Representatives has passed SB 834 CS for SB 1068 SB 750.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President June 1, 1973

I am directed to inform the Senate that the House of Representatives has receded from House amendments 1 and 2 and passed SB 390.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President June 1, 1973

I am directed to inform the Senate that the House of Representatives has receded from House amendments and passed CS for SB 1312.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President June 1, 1973

I am directed to inform the Senate that the House of Representatives has passed CS for SB 593.

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable Mallory E. Horne, President June 1, 1973

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as further amended CS for HB 105.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President June 1, 1973

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

HB 1345 HB 1915 HB 2071
CS for HB's 168, 228 & 269

Allen Morris, Clerk

The Honorable Mallory E. Horne, President June 1, 1973

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate amendments and the Speaker has appointed Representatives Turlington, Tillman, Savage, Webb and P. Thomas as House Conferees on CS for HB 2144.

Allen Morris, Clerk

The President announced the appointment of Senators Williams, Plante, Trask and Lewis, with Senator Poston as an alternate, as conferees on CS for HB 2144. The action of the Senate was certified to the House.

The Honorable Mallory E. Horne, President June 1, 1973

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate amendments and the Speaker has appointed Representatives Ogden, Boyd and Danahy with Representative Crabtree as an alternate as House Conferees on CS for HB 1176.

Allen Morris, Clerk

The President announced the appointment of Senators Myers, Ware and Williams, with Senator Poston as an alternate, as conferees on CS for HB 1176. The action of the Senate was certified to the House.

The President announced the appointment of Senator Poston as an alternate conferee on SB 1343.

The Honorable Mallory E. Horne, President June 1, 1973

I am directed to inform the Senate that the House of Representatives has receded from House amendments 8 and 9; and concurred in all Senate amendments to House amendments and substitute amendments, and passed as further amended SB 622.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President June 1, 1973

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments to House amendments and passed as further amended SB 620.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President June 1, 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 49.

Allen Morris, Clerk

Senate Bills 622, 620 and 49 contained in the foregoing messages were ordered engrossed.

The Honorable Mallory E. Horne, President June 1, 1973

I am directed to inform the Senate that the House of Representatives has failed to pass by the required Constitutional two-thirds vote of all members of the House of Representatives present on June 1, 1973—

By Senator de la Parte—

SB 172—A bill to be entitled An act relating to legislative procedure; amending §11.011, Florida Statutes; establishing procedure for convening and extending a special legislative session by gubernatorial proclamation; requiring the governor to communicate his legislative proposals in bill form prior to convening the special session; providing for public notice of meetings of both houses and committee meetings during a special session; providing an effective date.

The veto of the Governor was sustained.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President June 1, 1973

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment and passed as amended by the required three-fifths vote of the membership HJR 2218.

Allen Morris, Clerk

By permission the following was received:

REQUEST FOR EXTENSION OF TIME

The Committee on Health and Rehabilitative Services requests an extension of 10 days for the consideration of the following:

SB 506 by Senator Lane (31st)
SB 603 by Senators Ware and Glisson
SB 612 by Senator Glisson
SB 670 by Senator Gallen
SB 831 by Senators Pettigrew and Myers
SB 842 by Health & Rehabilitative Services Committee
SB 988 by Senators Smathers & Myers
SB 990 by Senator Glisson
SB 1034 by Senator Smathers
SB 1123 by Senator Winn
SB 1178 by Senator Poston
SB 1233 by Senator Poston
SB 1240 by Health & Rehabilitative Services Committee
SB 1278 by Senator Gillespie
HB 304 by Representative Tucker
HB 411 by Representative Smith
CS for HB 462 by Health and Rehabilitative Services Committee and Representative Tubbs
HB 991 by Representative Earle et al
HB 1066 by Representative Shreve
HB 1798 by Representative Forbes

The Journal of May 31 was corrected and approved.

On motion by Senator Barron, the Senate adjourned at 6:41 p.m. to reconvene at 10:00 a.m., June 6, 1973 pursuant to HJR 2218.

LOBBYIST REGISTRATIONS UNDER SENATE RULE NINE
MAY 28, 1973 THROUGH JUNE 1, 1973

Name & Address	*Entity Represented and Address*	*Legislation Involved; Association with Legislator*
Blakeley, Craig Joseph NC # 43, P.O. Box 1958 Sarasota, 33578	Florida Public Interest Research Group Same	Passage of SB 983
Caldwell, Milton 1710 Ave. E. Fort Pierce, 33450	United Farm Workers Same	Farm workers
Collins, Quentin V. 902 Parker Drive Tallahassee, 32303	Florida Public Interest Research Group Box 6705, F.S.U. Tallahassee, 32306	SB 983, education, public interest research
Davis, Lynn Suzanne 419 E. Pershing Tallahassee, 32301	Florida Public Interest Research Group Box U-6705, F.S.U. Tallahassee, 32306	SB 983
Delaney, Robert William Rm. 1403, Dade County Court House Miami, 33130	Dade County Flagler St. Miami, 33130	All bills affecting Dade County
Dorsey, Johnie 1710 Avenue-E Ft. Pierce, 33450	United Farm Workers Same	Farm workers
Evans, Harley 8th & Center Sts. Holly Hill, 32017	Volusia Educators Association P.O. Drawer X Holly Hill, 32017	Education
French, Edward S. Bldg. S-732, P.B.I.A. West Palm Beach, 33406	District Mental Health Board No. 20, Inc. Same	Supporting the Governor's budget for mental health
Hall, J. Lewis Midyette-Moor Bldg. Tallahassee	Grand Lodge of Florida, F & AM Ocean Street Jacksonville	Fraternal legislation
Krivanek, Robin C. 2802 Gaines St. Tampa, 33618	League of Women Voters of Florida 324 Datura St. West Palm Beach, 33401	Education, environment, elections
Navarro, Rita FSU P.O. Box #6-4288 Tallahassee	Same	Lobbying in favor of SB 983
Peterson, Jon Christian 9200 E. Sand Lake Rd. Orlando, 32809	Fla. Assoc. of Camping and Trailering Parks Box 5841 Sarasota, 33579	Camping and trailering park, public recreation
Powers, John R. U-3054, F.S.U. Tallahassee, 32306	Florida Public Interest Research Group U-6705, F. S. U. Tallahassee, 32306	SB 983

LOBBYIST REGISTRATIONS UNDER SENATE RULE NINE
MAY 28, 1973 THROUGH JUNE 1, 1973 (Continued)

Name & Address	*Entity Represented and Address*	*Legislation Involved; Association with Legislator*
Sarra, Lamar 101 East Bay St. Jacksonville, 32202	Silver Springs, Inc. Weeki Wachee Spring, Inc. Silver Springs	Attractions, water resources and related matters
Scipes, Steven R. FSU #604 Tallahassee, 32306	Florida Public Interest Research Group FSU #6705 Tallahassee, 32306	SB 983
Smith, Herman 1710 Avenue E Fort Pierce, 33450	United Farm Workers Same	
Thompson, Jeffrey M. Inst. Mol. Biophy. Tallahassee, 32306	Florida Public Interest Research Group	SB 983an act relating to state university fees
Wadkins, James D., Jr. P.O. Box 1234 Lakeland, 33802	Good government-at large	Good government
Woodard, Johnie Lee 1710 Avenue E Ft. Pierce, 33450	United Farm Workers Same	Farm workers