

JOURNAL OF THE FLORIDA SENATE

Thursday, May 23, 1974

The Senate was called to order by the President Pro Tempore at 9:00 a.m. A quorum present—38:

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

Excused: Senator Weber until 10:00 a.m.; Senator Trask until 9:40 a.m.; Senator Pettigrew for the afternoon session; Senator Zinkil at 10:00 a.m. to attend an executive suspension hearing.

Prayer by the Senate Chaplain:

Our God, the daily toil of government and legislation soon deteriorates from any glamour of power and prestige and we are left alone with our determination and convictions. But even these, our Father, wear thin with the demands and pressures placed upon these senators. So we pray for our Senators added strength for their task. You have promised renewed strength, the capacity to run and not be weary, to walk and not faint, to those who seek your aid. Grant these blessings today in the measure of our need. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Thursday, May 23, 1974, at 9:00 a.m.

Local bills to be heard at 2:00 p.m.

SB 579	HB 2407	SB 828
SB 1068	SB 959	SB 353
HB 318	HB 99	SB 529
SB 1110	CS for HB 2700	HB 3573
HB 2802	HB 3287	SB 758
SB 463	CS for HB 2809	HB 312
SB 84	SB 1012	HB 580
SB 1034	SB 173	HB 2099
HB 1145	SB 138	HB 1911
SB 818	SM 1111	SB 403
SB 642	HB 2922	SB 429
SB 904	HB 3064	SB 519
SB 817	SB 643	SB 1020
CS for SB 973	HB 2926	CS for CS for HB 3096

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar recommends that the following bill be placed on the Local Calendar for May 23, 1974: SB 981

The Committee on Health and Rehabilitative Services recommends the following pass: SB 712 with 5 amendments

The Committee on Health and Rehabilitative Services recommends the following pass: SB 582, SB 708

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Health and Rehabilitative Services recommends the following pass: HB 3198

The bill was referred to the Committee on Commerce under the original reference.

The Committee on Criminal Justice recommends the following pass:

HB 1180 with 2 amendments
HB 2567 with 2 amendments

CS for HB 3903 with 1 amendment

The Committee on Consumer Affairs recommends the following pass: HB 1788, SB 93 with 5 amendments

The Committee on Governmental Operations recommends the following pass: CS for CS for HB 3418 with 2 amendments

The Committee on Health and Rehabilitative Services recommends the following pass:

SB 523	HB 1702 with 1 amendment
SB 717	HB 1709 (cs)
SB 796 with three amendments	CS for HB 2160
SB 958 with two amendments	HB 3004
HB 771 (cs)	HB 3016
HB 1066	SB 731 with 1 amendment

The Committee on Health and Rehabilitative Services recommends the following pass:

SB 524	HB 1279 with 2 amendments	CS for HB 3451 and 3341 with 2 amendments
SB 655		
SB 756	HB 3084 with 2 amendments	HB 4000
HB 303		

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Education recommends a Committee Substitute for the following: SB 807 (922 and 150)

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 390, SB 640

The bills with Committee Substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Criminal Justice recommends a Committee Substitute for the following: SB 980

The Committee on Ways and Means recommends a Committee Substitute for the following: CS for SB 346 as recommended by Judiciary Committee

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 588

The bills with Committee Substitutes attached contained in the foregoing reports were placed on the calendar.

The Committee on Health and Rehabilitative Services recommends the following not pass: SB 801

The Committee on Ways and Means recommends the following not pass: SB 610

The bills contained in the foregoing reports were laid on the table.

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred SB 941 with 2 amendments reports that the Senate amendments have been incorporated and the bill is returned herewith.

JOE BROWN, Secretary

The bill was certified to the House.

Your Engrossing Clerk to whom was referred SB 470 with 1 Senate amendment and 2 House amendments reports that the Senate and House amendments have been incorporated and the bill is returned herewith.

JOE BROWN, Secretary

The bill was ordered enrolled.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Vogt, Senate Bills 357 and 850 were withdrawn from the Committee on Ways and Means by two-thirds vote and from further consideration of the Senate.

On motion by Senator Glisson, SB 1037 was withdrawn from the Committee on Governmental Operations by two-thirds vote and placed on the calendar.

On motion by Senator Zinkil, SB 5 was withdrawn from the Committee on Commerce by two-thirds vote and referred to the Committee on Ways and Means.

REQUESTS FOR EXTENSION OF TIME

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

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| SB 744 by Senator Winn | SB 1065 by Senator Wilson |
| SB 835 by Senator Smathers | SB 1069 by Senator Weber |
| SB 840 by Criminal Justice Committee | SB 1071 by Senator Poston |
| SB 848 by Senator Johnson | HB 115 by Criminal Justice Committee |
| SB 309 by Senator Poston | HB 3165 by Representative Cohen |
| HB 1659 by Representative Clark | HB 3235 by Representative Crabtree |
| HB 2550 by Representative Clark | HB 2815 by Health and Rehabilitative Services Committee |
| HB 2440 by Representative Cohen and others | |

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

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|-------------------------------|--------------------------------|
| SB 27 by Senator Wilson | SB 495 by Senator Lane (31st) |
| SB 37 by Senator Saylor | SB 507 by Senator Sykes |
| SB 120 by Senator Gillespie | SB 566 by Senator Johnson |
| SB 313 by Senator Sims | SB 571 by Senator Scarborough |
| SB 377 by Senator Johnson | HB 279 by Representative Smith |
| SB 418 by Senator McClain | SB 725 by Senator Gillespie |
| SB 250 by Senator Ware | SB 728 by Senator Barron |
| SJR 252 by Senator Ware | |
| SB 446 by Senator Johnson | |
| SB 469 by Senator Glisson | |
| SB 474 by Senator Scarborough | |

The Committee on Natural Resources and Conservation requests an extension of 10 days for the consideration of the following:

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|--|--|
| SB 3 by Senators Hender-son and Saylor | SB 862 by Senator Deeb and others |
| SB 4 by Senators Ware and Saylor | SB 1057 by Senator Hender-son and others |
| SB 147 by Senator Gillespie | SB 1076 by Senator Graham |
| SB 452 by Senator Glisson | HB 1698 by Representative Robinson |
| SB 481 by Senator Pettigrew | |
| SB 764 by Senator Childers | |

The Committee on Ways and Means requests an extension of 10 days to May 31, 1974 for the consideration of the following:

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|--------------------------------------|---|
| SB 17 by Senator Saunders | Pensions for Incapacitated Teachers |
| SB 21 by Senator Myers | SB 98 by Senator Firestone |
| SB 22 by Senator Wilson | SB 108 by Senator de la Parte |
| SB 24 by Senator Graham | CS/SB 109 by Senator Gillespie |
| SB 26 by Senator Williams | SB 127 by Senator Stolzen-berg, et al |
| SJR 28 by Senator Saylor | SB 129 by Senator Ware, et al |
| SB 29 by Senator Saylor | SB 144 by Senators Deeb and Saylor |
| SB 30 by Senator Saylor | SB 148 by Senator Gillespie |
| SB 31 by Senator Saylor | SB 153 by Senator Gillespie |
| SB 45 by Senator Scar-borough | SB 157 by Senator Petti-grew |
| SB 48 by Senator de la Parte, et al | SB 160 by Senator Myers |
| SB 49 by Senator Vogt | SB 168 by Criminal Justice Committee, et al |
| SB 51 by Senator Pettigrew | CS/SB 178 by Senator Gillespie |
| SB 65 by Senator Sykes | SB 181 by Senator Glisson |
| SB 74 by Senator McClain | SB 194 by Senator Gordon |
| SB 81 by Senator Firestone | SB 200 by Senator Deeb |
| SB 83 by Senator Firestone | |
| SB 89 by Senators Peterson and Trask | |

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|---|---|
| SB 202 by Senator Deeb | SB 483 by Senator Deeb |
| SB 223 by Senator Winn | SB 500 by Senator Trask |
| SB 226 by Senator Glisson | SB 503 by Senator Sykes |
| SB 230 by Senator Scar-borough | SB 508 by Senator Pettigrew |
| CS for SB 235 by Senators Peterson and Myers—Dept. of HRS—Program | SB 509 by Senator Pettigrew |
| SB 258 by Senator Childers | SB 513 by Senator Gordon |
| SB 266 by Senator Gillespie | SB 514 by Senator Glisson |
| SB 273 by Senator Williams | SB 534 by Senator Vogt |
| SB 274 by Senators Poston and Lewis | SB 535 by Senator Vogt |
| SB 275 by Senator Poston, et al | SB 538 by Criminal Justice Committee |
| SB 280 by Senator de la Parte | SB 539 by Senator Vogt |
| SB 281 by Senators de la Parte and Gillespie | SB 540 by Senator Vogt |
| CS for SB 284 by Criminal Justice Commit-tee | SB 543 by Senator Vogt |
| SB 287 by Senator Peterson | SB 544 by Agriculture Com-mittee |
| SB 291 by Senator Poston | SB 550 by Senator Zinkil |
| SB 292 by Senator Poston | SB 563 by Senator Plante |
| SB 294 by Natural Resources and Conservation Committee | SB 564 by Senator Ware |
| SB 306 by Senator Gallen | SB 567 by Senator Johnson |
| SB 315 by Senator McClain | SB 581 by Senator Graham |
| CS for SB 323 by Senator Glis-son | SB 598 by Senator Horne, et al |
| SB 326 by Senators Horne and Gillespie | SB 599 by Senator Horne, et al |
| SB 327 by Senators Horne and Gillespie | SB 602 by Senator Glisson, et al |
| SB 328 by Senators Horne and Gillespie | SB 603 by Senator Plante |
| SB 339 by Senator Sykes | SB 607 by Senator Lewis |
| SB 341 by Senator Lewis | SB 610 by Senator Gordon |
| SB 342 by Senator Lane (23rd) | SB 618 by Senator Wilson, et al |
| CS for SB 346 by Senator Scar-borough | SB 619 by Senator Wilson, et al |
| SB 347 by Senator Scar-borough | SB 621 by Senator Saunders |
| SB 349 by Senator Poston | SB 622 by Senator Saunders |
| CS for SB 352 by Senator Vogt | SB 624 by Senator Johnson |
| SB 357 by Senator Vogt | SB 628 by Senator Childers |
| CS for SB 367 by Senator Vogt | SB 632 by Senator Graham |
| SB 368 by Senator Vogt | SB 637 by Senator Graham |
| CS for SB 369 by Senator Pe-terson | SB 639 by Senators Peter-son and Graham |
| SB 372 by Senator Poston and others | SB 641 by Senator Graham |
| SB 382 by Senator Johnson | CS for SB 648 by Senator Pos-ton |
| SB 383 by Senator Johnson | CS for SB 660 by Senator de la Parte, et al |
| SB 386 by Senator Wilson | SB 668 by Senator Ware |
| SB 393 by Senator Trask | SB 671 by Senator Lane (23rd) |
| CS for SB 394 by Senator Graham | SB 681 by Senator Gruber, et al |
| SB 397 by Senator Deeb | SB 687 by Transportation Committee |
| SB 398 by Senator Wilson | SB 688 by Senator Ware |
| SB 400 by Senator Gallen | SB 696 by Senator Smathers |
| SB 404 by Senator Sykes | SB 700 by Senators Fire-stone and Trask |
| SB 411 by Senator Glisson | SB 702 by Senators Peter-son, et al |
| SB 413 by Senator Glisson | SB 705 by Senator Poston |
| SB 414 by Senator Glisson | SB 706 by Senators Sykes and Johnson |
| CS for SB 417 by Senator Vogt | SB 709 by Senator de la Parte |
| SB 419 by Senator Lewis | CS for SB 711 by Senators Firestone and Trask |
| SB 432 by Senator Gallen | SB 715 by Senator Poston |
| SB 435 by Senator Johnson | SB 718 by Senators Fire-stone and Trask |
| SB 436 by Senators Johnson and Ware | SB 720 by Senators Fire-stone and Trask |
| SB 447 by Senator Johnson | SB 723 by Senator Horne |
| CS for SB 464 by Health and Rehabilitative Services Com-mittee | SB 726 by Senator Gillespie |
| SB 476 by Senator Brantley | CS for SB 732 by Senators Firestone and Trask |
| SB 478 by Education Com-mittee | CS for SB 733 by Senators Firestone and Trask |
| SB 482 by Senators Glisson and Horne | SJR 737 by Senator Gillespie |
| | SB 755 by Senator Lane (23rd) |
| | SB 759 by Senator Gordon |

SB 761 by Senator Poston, et al	HB 1617 (cs) by Retirement, Personnel and Claims Committee	HB 4005 by Finance and Taxation Committee	HB 2400 by Representative Fulford						
SB 766 by Senator Childers	HB 1675 (cs) by Retirement, Personnel and Claims Committee	SB 196 by Senator Lewis	HB 2475 by Representative Cunningham						
SB 771 by Senator Lane (23rd), et al	HB 1685 by Representative Tobiasen	SB 487 by Senators Childers and Johnston	HB 2569 by Representative Forbes						
SJR 779 by Senator Zinkil	HB 1857 by Representative Cunningham	SB 658 by Senator Graham	CS for HB 2606 by Representative Baumgartner and Finance and Tax Committee						
SB 792 by Senator Childers	HB 1908 by Retirement, Personnel and Claims Committee	SB 659 by Senator Graham	CS for HB 2799 by Governmental Operations Committee						
SB 803 by Senator Graham	HB 1909 by Retirement, Personnel and Claims Committee	SB 736 by Senator Poston	HB 2820 by Representative Hodges						
SB 812 by Senator Gallen	HB 1929 by Community Affairs Committee	CS for SB 866 by Senator Pettigrew	HB 2975 by Representative Kutun						
SB 815 by Senator Gordon	HB 1940 by Retirement, Personnel and Claims Committee	SB 897 by Senator Smathers	HB 3059 by Agriculture and Citrus Committee						
SJR 819 by Senators Smathers and Poston	HB 1958 by Appropriations Committee	SB 905 by Senator Graham	HB 3098 by Representative Clark						
SB 821 by Senator Deeb	HB 2019 by Retirement, Personnel and Claims Committee	SB 908 by Senator Graham	HB 3145 by Representative Williams						
SB 822 by Senator Childers	HB 2124 by Retirement, Personnel and Claims Committee	SB 1004 by Senator Gordon	HB 3504 by Representative Ogden						
SB 824 by Senator Plante	HB 2174 by Retirement, Personnel and Claims Committee	CS for HB 352 by Representative Holloway and Governmental Operations Committee	HB 3653 by Representative Culbreath						
SB 833 by Senator Graham	HB 2175 by Appropriations Committee	HB 1372 by Representative Redman	HB 3827 by Representative Harris						
SB 834 by Senators Johnson and Henderson	HB 2190 by Retirement, Personnel and Claims Committee	CS for HB 1542 by Representative Kiser and Governmental Operations Committee	HB 3828 by Representative Harris						
SB 836 by Senator Trask	HB 2315 by Representative Clem	HB 2247 by Representative Kutun	HB 3829 by Representative Harris						
SB 842 by Senator Trask	HB 2363 by Representative Redman	CS for HB 2235 by Education Committee	HB 3830 by Representative Harris						
SB 843 by Senator Trask	HB 2371 by Representative Poorbaugh	HB 2295 by Representative Lewis	HB 3832 by Representative Harris						
SB 844 by Senator Gillespie	HB 2379 by Representative Birchfield	HB 2387 by Representative Hazelton	HB 3962 by Appropriations Committee						
SB 850 by Senator Vogt	HB 2388 by Representative Robinson	The Committee on Commerce requests an extension of 10 days for the consideration of the following:							
SB 854 by Senator Wilson	HB 2430 by Representative Brown	SB 652 by Senator Glisson	HB 2465 by Representative Williamson						
SM 855 by Senators Lane (31st) and Henderson	HB 2431 by Representative Brown, et al	SB 656 by Senator Trask	HB 2504 by Representative Hazelton						
SB 861 by Senator Vogt	HB 2443 by Representative Clem	HB 1105 by Insurance Committee							
SB 869 by Senator Horne	HB 2448 by Representatives Webb and Tucker	The Committee on Rules and Calendar requests an extension of 10 days for the consideration of the following:							
SJR 871 by Senator Vogt	HB 2472 by Representatives Thomas and Poole	SJR 44 by Senator Winn	SB 207 by Senator Gallen						
SB 872 by Senator Vogt	HB 2530 by Representative Foster	SJR 47 by Senator Saylor	SB 490 by Senator Johnson						
SB 874 by Senator Horne	HB 2539 by Representative Martinez	SB 52 by Senator Scarborough	SB 288 by Senator Johnson						
SB 885 by Senators Lane (31st) and Glisson	HB 2544 by Representative McDonald	SB 149 by Senator Gillespie	SB 317 by Senator Poston						
SB 888 by Senator Pettigrew, et al	HB 2626 by Representative McDonald	EXECUTIVE BUSINESS							
SB 890 by Senator Henderson	CS for HB 2630 by Retirement, Personnel and Claims Committee	By direction of the President Pro Tempore, the following reports were read:							
SB 898 by Senator Peterson, et al	HB 2801 by Representative Tittle	Senator Mallory E. Horne President, The Florida Senate The Capitol							
SB 902 by Senator Vogt	CS for HB 2917 by Community Affairs Committee	May 22, 1974							
SB 912 by Senator Peterson	HB 3018 by Representative Webb	Dear Mr. President:							
SB 920 by Senator Glisson	HB 3324 by Appropriations Committee	Your Standing Committee on Criminal Justice to whom was referred for inquiry and recommendation the following appointment subject to confirmation by the Senate:							
SB 921 by Senator Graham	HB 3423 by Finance and Taxation Committee	<table border="0"> <thead> <tr> <th>NAME</th> <th>OFFICE</th> <th>FOR TERM ENDING</th> </tr> </thead> <tbody> <tr> <td>Roy W. Russell Tallahassee</td> <td>Member, Parole and Probation Commission</td> <td>October 7, 1979</td> </tr> </tbody> </table>		NAME	OFFICE	FOR TERM ENDING	Roy W. Russell Tallahassee	Member, Parole and Probation Commission	October 7, 1979
NAME	OFFICE	FOR TERM ENDING							
Roy W. Russell Tallahassee	Member, Parole and Probation Commission	October 7, 1979							
SB 922 by Senator Graham	HB 3440 by Finance and Taxation Committee								
SB 932 by Senator Henderson	HB 3923 by Retirement, Personnel and Claims Committee								
SB 955 by Senator Deeb	HB 3942 by Education Committee								
SB 964 by Senator Myers									
SB 967 by Senator Pettigrew									
SB 977 by Senators Henderson and Brantley									
SB 987 by Senator Poston									
SJR 989 by Senator Pettigrew									
SB 990 by Senator Pettigrew									
SB 1001 by Senator Weber, et al									
SB 1028 by Senator Ware									
SB 1031 by Senator Williams									
SB 1040 by Senator de la Parte									
SB 1050 by Senator Graham									
SB 1054 by Senator Graham									
SJR 1055 by Senator Graham, et al									
SB 1056 by Senator Henderson									
SB 1058 by Senator Wilson									
SB 1060 by Senator Graham									
SB 1061 by Senator Graham									
SB 1062 by Senator Weber									
SB 1063 by Senator de la Parte									
SB 1072 by Senator Graham									
HB 417 (cs) by Transportation Committee									
HB 606 (cs) by Retirement, Personnel and Claims Committee									
HB 1297 by Representative Harris									
HB 1547 (cs) by Appropriations Committee									

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

Respectfully submitted, RICHARD J. DEEB, JACK D. GORDON, TOM JOHNSON, JAMES A. JOHNSTON, DAVID H. McCLAIN, RICHARD A. PETTIGREW, Chairman, KENNETH M. MYERS, Vice Chairman

On motion by Senator Myers, the report of the Committee was adopted, and the Senate in open session approved and confirmed the appointment set forth in the foregoing report. The vote was:

Yeas—22

Brantley, Childers, Deeb, de la Parte, Firestone, Gillespie, Glisson, Gordon, Graham, Gruber, Johnson, Lewis, Myers, Peterson, Poston, Saunders, Sims, Smathers, Stolzenburg, Vogt, Ware, Williams

Nays—None

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

Senator Mallory E. Horne, President, The Florida Senate, The Capitol, May 21, 1974

Dear Mr. President:

Your Standing Committee on Natural Resources and Conservation to whom was referred for inquiry and recommendation the following appointment subject to confirmation by the Senate.

Table with 3 columns: NAME, OFFICE, FOR TERM ENDING. Mark D. Hollis, Member, Pollution Control Board, Pleasure of the Governor

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

Respectfully submitted, LEW BRANTLEY, Vice Chairman, TOM GALLEN, JULIAN B. LANE, JOHN W. VOGT, WILLIAM G. ZINKIL, SR., W. D. CHILDERS, Chairman, RICHARD J. DEEB, WARREN S. HENDERSON, HENRY SAYLER, SHERMAN S. WINN

On motion by Senator Childers, the report of the Committee was adopted, and the Senate in open session approved and confirmed the appointment set forth in the foregoing report. The vote was:

Yeas—24

Brantley, Childers, Deeb, de la Parte, Firestone, Gillespie, Glisson, Gordon, Graham, Gruber, Henderson, Johnson, Lane (31st), Lewis, Myers, Peterson, Poston, Saunders, Smathers, Vogt, Ware, Williams, Winn, Zinkil

Nays—None

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

Senator Mallory E. Horne, President, The Florida Senate, The Capitol

May 21, 1974

Dear Mr. President:

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

Table with 3 columns: NAME, OFFICE, FOR TERM ENDING. Henry V. Haskins, Harbor Master, Port of Key West, Monroe County, February 8, 1976; James R. Edwards, Member, Board of the Sumter County Recreation and Water Conservation and Control Authority, December 3, 1977

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

Respectfully submitted,

W. D. CHILDERS, Chairman, RICHARD J. DEEB, WARREN S. HENDERSON, HENRY SAYLER, SHERMAN S. WINN, LEW BRANTLEY, Vice Chairman, TOM GALLEN, JULIAN B. LANE, JOHN W. VOGT, WILLIAM G. ZINKIL, SR.

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

Yeas—22

Brantley, Childers, Deeb, de la Parte, Firestone, Gillespie, Graham, Gruber, Henderson, Johnson, Lane (31st), Lane (23rd), Lewis, Peterson, Poston, Smathers, Vogt, Ware, Williams, Wilson, Winn, Zinkil

Nays—None

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

MESSAGE FROM THE GOVERNOR

The Governor advised that he had filed in the office of the Secretary of State SB 587 which he had approved May 22.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President, May 22, 1974

I am directed to inform the Senate that the House of Representatives has acceded to the request of the Senate for a Conference Committee on HJR 3911. The Speaker has appointed Representatives Gautier, Forbes, and Crabtree as the Conferees on the part of the House.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President, May 22, 1974

I am directed to inform the Senate that the House of Representatives has acceded to the request of the Senate for a Conference Committee on HB 157 (cs). The Speaker has appointed Representatives MacKay, Earle and J. Clark as the Conferees on the part of the House.

Allen Morris, Clerk

SPECIAL ORDER

SB 579 was taken up, together with:

By the Committee on Commerce—

CS for 579—A bill to be entitled An act relating to the insurance code; creating §627.4235, Florida Statutes; prohibiting the use of any provision in a group disability insurance policy, a group hospital, medical or surgical service plan, or a group-type self insurance plan providing protection, insurance or indemnity against hospital, medical or surgical expenses, whereby benefits payable under the policy or plan may be reduced or refused on the grounds that the insured is eligible to receive benefits under a disability insurance policy issued by another insurer or whereby such benefits under a group disability, group service plan or a group-type self insurance plan may be below one hundred percent of total allowable benefits and expenses provided under such policies and plans; providing an effective date.

—which was read the first time by title and SB 579 was laid on the table.

On motion by Senator Brantley, by two-thirds vote, CS for SB 579 was read the second time by title.

Senator Brantley moved the following amendment which was adopted:

Amendment 1—On page 2, line 6, strike “or franchise”

On motion by Senator Brantley, by two-thirds vote, CS for SB 579 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—29

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

Nays—None

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

The President presiding

SB 1068—A bill to be entitled An act relating to the department of education; amending §20.15(3) and (4), Florida Statutes; creating the division of administrative services within the department; adding a new subsection (5) to §20.15, Florida Statutes, and renumbering present subsections (5)-(25) of said section as subsections (6)-(26) respectively; providing for the transfer of functions to the division of administrative services; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator Saunders and adopted:

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

Section 1. The commissioner of education with the consent of the state board of education is hereby authorized to reallocate duties and functions specifically assigned to the department of education. Those functions or agencies assigned generally to the department without specific designation to a unit of the department may be allocated and reallocated to a unit of the department at the discretion of the commissioner. The commissioner may establish, abolish, or consolidate bureaus, sections, and subsections of the department in order to promote efficient

and effective operation of the department. The commissioner is also authorized and directed to abolish selected positions in the overall reorganization of the department in order to comply with the number of authorized positions for 1974-75.

Section 2. The commissioner of education shall not have the authority to establish, abolish, or consolidate bureaus, sections, and subsections after July 1, 1975 unless such action is approved by the department of administration or by law.

Section 3. The commissioner of education is hereby authorized to establish within the department of education a division of administration.

Section 4. The commissioner of education shall have the authority to suspend the requirement of any written report from any school, school district, community college or university, or agency or person thereof, employed therein for the period July 1, 1974 until June 30, 1975, subject to the concurrence of a majority of the members of the state board of education, following the submission of written approval of the chairmen of the committees on education of the state house of representatives and the state senate. The commissioner of education shall exercise such authority pursuant to Section (3) of Chapter 237.34, F. S.

Section 5. This act shall take effect immediately upon becoming a law.

Amendment 2—On page 1, strike the title and insert: a new title to read: A bill to be entitled An act relating to education; authorizing the commissioner of education to reallocate functions and reorganize organizational units within the department of education; providing for the suspension of certain written reports pursuant to the authority for the state board of education and others; providing that such authorization is granted only until July 1, 1975; establishing authority for a division of administration; providing an effective date.

On motion by Senator Saunders, by two-thirds vote SB 1068 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—30

Mr. President	Henderson	Peterson	Vogt
Brantley	Johnson	Pettigrew	Ware
Firestone	Johnston	Poston	Weber
Gillespie	Lane (31st)	Saunders	Williams
Glisson	Lane (23rd)	Sims	Winn
Gordon	Lewis	Smathers	Zinkil
Graham	McClain	Sykes	
Gruber	Myers	Trask	

Nays—None

By unanimous consent Senators Gallen and Sayler were recorded as voting yea.

On motion by Senator Sayler, the rules were waived and SB 941 was ordered immediately certified to the House after engrossing.

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

—was read the second time by title.

Senator Myers moved the following amendment:

Amendment 1—On page 1, line 11, strike everything after the enacting clause and insert: Section 1. Definitions.—The following terms shall have the following meanings for the purposes of this act:

(1) “Governmental building” means any building or any portion of any building owned or used by the state or any county or municipal government.

(2) “Smoke” or “smoking” means the possession of any lit tobacco product including but not limited to cigars, cigarettes, and pipes.

Section 2. The department of general services shall establish rules and regulations respecting a state policy on smoking in governmental buildings. Such rules and regulations shall prohibit smoking in certain designated areas of governmental buildings and shall take into consideration the individual characteristics of each room such as size, ventilation, the purposes for which the room is utilized, and other criteria relating to public health, safety and comfort. The rules and regulations adopted shall adhere to the following guidelines:

(a) Conference rooms and auditoriums.—Generally, smoking shall not be permitted in conference rooms and auditoriums, but exceptions may be made where a room is of sufficient size and ventilation so as to justify the setting aside of separate smoking and non-smoking areas.

(b) Elevators.—All elevators shall be designated as non-smoking areas.

(c) Working areas.—Non-smoking work areas shall be established in open office areas with five or more employees. Supervisors shall plan work space in such a way that employees who desire a non-smoking area can be accommodated, provided that efficiency of work units will not be impaired, additional space will not be required, or costly alterations to the space or procurement of additional office equipment will not be necessary.

(d) Office areas.—There will be no limitation on smoking in offices or office areas designed for use by four or less persons.

(e) Medical care facilities.—In medical clinics and employee or student health units, smoking shall be restricted to visitor waiting areas, staff lounges, private offices and specially designated areas.

(f) Corridors, lobbies, restrooms.—There will be no limitation on smoking in corridors, lobbies and restrooms.

Section 3. It is unlawful for any person to ignite any flame or to smoke any type of tobacco product or other substance while entering or occupying an elevator. Violation of the provision of this section is a misdemeanor of the second degree, punishable as provided in §775.082 or §775.083, Florida Statutes.

Section 4. Subsection (8) is added to section 399.07, Florida Statutes, 1971, to read:

399.07 Certificates.—

(8) The required certificate shall contain a provision informing any person who enters the elevator that it is unlawful to smoke or ignite any substance when said elevator is in operation and shall further indicate the penalty for violation of said law. This subsection shall only apply to certificates issued after the effective date of this act.

Section 5. This act shall take effect October 1, 1974, as to sections 3 and 4, and January 1, 1975, as to sections 1 and 2.

Amendment 1 was adopted by the following vote:

Yeas—16

Childers	Gordon	Myers	Trask
Firestone	Graham	Peterson	Vogt
Gillespie	Johnston	Saunders	Ware
Glisson	Lane (23rd)	Smathers	Williams

Nays—15

Barron	Gruber	Lewis	Stolzenburg
Deeb	Henderson	McClain	Wilson
de la Parte	Johnson	Plante	Winn
Gallen	Lane (31st)	Scarborough	

Senator Myers moved the following title amendment which was adopted:

Amendment 2—On page 1, line 3, strike the title and insert a new title to read: A bill to be entitled An act relating to the public health; providing definitions; requiring the department of general services to establish rules and regulations respecting a smoking policy in government buildings; providing guidelines for such rules and regulations; prohibiting smoking in any ele-

vator in the state; providing a penalty; adding subsection (8) to §339.07, Florida Statutes, 1971, to require that all elevator certificates contain a warning of the smoking prohibition; providing an effective date.

Senator Myers moved that the rules be waived and HB 318 as amended be read the third time. The motion failed by the following vote:

Yeas—12

Childers	Gordon	Saunders	Trask
Firestone	Graham	Scarborough	Vogt
Gillespie	Myers	Smathers	Williams

Nays—21

Mr. President	Henderson	McClain	Ware
Barron	Johnson	Peterson	Wilson
Deeb	Johnston	Plante	Zinkil
Gallen	Lane (31st)	Poston	
Glisson	Lane (23rd)	Sims	
Gruber	Lewis	Stolzenburg	

On motion by Senator Lane (23rd), the Senate reconsidered the vote by which Amendment 1 was adopted and the amendment failed.

On motion by Senator Lane (23rd), the Senate reconsidered the vote by which Amendment 2 was adopted.

The question recurred on Amendment 2 and the amendment failed.

On motion by Senator Myers, by two-thirds vote HB 318 was read the third time by title, passed and certified to the House.

The vote was:

Yeas—27

Mr. President	Graham	Pettigrew	Vogt
Brantley	Johnston	Plante	Ware
Childers	Lane (31st)	Poston	Weber
Firestone	Lane (23rd)	Saunders	Williams
Gillespie	Lewis	Sims	Winn
Glisson	McClain	Smathers	Zinkil
Gordon	Myers	Trask	

Nays—9

Barron	Gruber	Peterson	Wilson
Deeb	Henderson	Stolzenburg	
Gallen	Johnson		

By unanimous consent Senator Sykes was recorded as voting nay.

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

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 22, 1974

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 2155 as amended by the Conference Committee Report.

(Conference Committee Report attached)

Allen Morris, Clerk

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

HB 2155—A bill to be entitled An act relating to condominiums and cooperative apartments; amending §711.03(9), Florida Statutes, 1971, and adding new subsections, to define the terms "board of administration", "condominium property", and "developers"; amending §711.04(1), Florida Statutes, 1971, relating to the term "condominium parcel", to include certain

leaseholds within its meaning; amending §711.06(a), Florida Statutes, 1971, relating to the term "common elements", and adding a subsection to accommodate the use of a leasehold and to provide for the incorporation of recreation areas; amending §711.08, Florida Statutes, 1971, to incorporate the use of certain leaseholds and to provide for the contents of the declaration of creation; amending §711.10(3), Florida Statutes, 1971, relating to amendment of the declaration, to provide that a unit owner's share in common expenses and surplus may not be changed unless the unit owner joins in the amendment; amending §711.11(1) and (2), Florida Statutes, 1971, to provide for inclusion of certain provisions in the bylaws of a condominium; amending §711.12, Florida Statutes, 1971, to permit an association to operate more than one (1) condominium and to provide certain other powers for condominium associations; repealing §711.13(4), Florida Statutes, 1971, as amended, which relates to cancellation of contracts for maintenance, management, or operation of a condominium; amending §711.15(6), Florida Statutes, 1971, relating to assessment liability, to provide protection for certain purchasers at mortgage foreclosure sales; repealing §711.19(3), Florida Statutes, 1971, which relates to the application of homestead exemption from taxation; amending §711.20(1), Florida Statutes, 1971, to provide for notice of liens; redesignating §711.23, Florida Statutes, 1971, as §711.62 and amending said section to provide for obligations for unit owners and penalties for violations; repealing §711.24, Florida Statutes, 1972 Supplement, which relates to full disclosure prior to sale; redesignating §711.25, Florida Statutes, 1971, as §711.67 and amending said section to provide for the use of proceeds from the sale of condominiums and cooperative apartments prior to closing; repealing §§711.30, 711.31, and 711.32, all Florida Statutes, 1971, which relate to maintenance, disclosure prior to sale, and deposits for cooperative apartments; creating §§711.41, 711.42, 711.43, 711.44, 711.45, 711.46, and 711.47, Florida Statutes, relating to cooperative apartments; providing for cooperative parcels, appurtenances, possession, and enjoyment; providing for bylaws; providing for cooperative associations; providing for common expenses and common surplus; providing for assessments and liabilities; creating §§711.61, 711.63, 711.64, 711.65, 711.66, 711.68, 711.69, 711.70, and 711.71, Florida Statutes, relating to creation, sale and lease of condominiums and cooperative apartments; providing for contents of leases; providing that rent payable under certain leases shall not be secured by a lien on a residential unit; providing for completion of phase projects; providing warranties at sale; providing for transfer of association control; providing for contents of prospectuses; providing for disclosure; providing for publication of false or misleading information; declaring recreational leases void as against public policy; providing an effective date.

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

CONFERENCE COMMITTEE REPORT ON HB 2155

The Honorable Mallory E. Horne
President of the Senate

May 22, 1974

The Honorable T. Terrell Sessums
Speaker, House of Representatives

Sirs:

Your conference committee on the disagreeing votes of the two houses on HB 2155 being:

An act relating to condominiums and cooperative apartments.

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

1. that the Senate recede from its amendments 1 and 2.
2. that the Senate and House of Representatives adopt the conference committee amendments attached hereto and by reference made a part of this report.

Alan Trask
William G. Zinkil, Sr.
George Firestone
Richard J. Deeb
Lew Brantley
Managers on the part of
the Senate

Bill Andrews
Paul B. Steinberg
Tom McPherson
Larry Libertore
Donald F. Hazelton
Managers on the part of the
House of Representatives

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

Section 1. Section 711.03(3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14) Florida Statutes, are renumbered as subsections (4), (5), (6), (7), (8), (9), (10), (11), (13), (14), (15) and (16) respectively, new subsections (3), (12) and (17) are added and subsections (7), (9) and (13) of said section are renumbered and amended to read:

711.03 Definitions.—As used in this law:

(3) *Board of administration means the board of directors or other representative body responsible for administration of the association.*

~~(7)~~ (8) *Condominium is that form of ownership of condominium property under which units of improvements are subject to ownership by one or more owners, and there is appurtenant to each unit as part thereof an undivided share in the common elements.*

~~(9)~~ (10) *Condominium property means and includes the lands and leaseholds that are subjected to condominium ownership, land in a condominium, whether or not contiguous, and all improvements thereon and all easements and rights appurtenant thereto intended for use in connection with the condominium.*

(12) *Developer means a person who creates a condominium, or who offers condominium parcels owned by him for sale or lease in the ordinary course of business, except that the term developer shall not include the owners or lessees of units in condominiums who offer the units for sale or lease or their leasehold interest for assignment, when they have acquired or leased the units for their own occupancy. This definition shall be construed liberally to accord substantial justice to a unit owner or lessee.*

~~(13)~~ (15) *Unit means a part of the condominium property which is to be subject to private ownership. A unit may be in improvements, land, or land and improvements together, as specified in the declaration.*

(17) *Residential condominium means a condominium comprising condominium units any of which are intended for use as a private residence, domicile or homestead, except that a condominium shall not be deemed a residential condominium if the use for which the units are intended is primarily commercial or industrial and not more than three (3) units are intended to be used for private residence, domicile or homestead and are intended to be used as housing for maintenance, managerial, janitorial or other operational staff of the condominium. In the event that a condominium shall be a residential condominium under the definition herein contained, but otherwise have units whose use is intended to be commercial or industrial, then in such case the condominium shall be deemed a residential condominium with respect to those units which are intended for use as a private residence, domicile or homestead, but not a residential condominium with respect to those units which are intended for use commercially or industrially.*

Section 2. Subsection (1) of section 711.04, Florida Statutes, is amended to read:

711.04 *Condominium parcels; appurtenances; possession and enjoyment.—*

(1) *A condominium parcel is a separate parcel of real property, even though a leasehold, the ownership of which may be in fee simple, or any other estate in real property recognized by law.*

Section 3. Paragraph (a) of subsection (1) of section 711.06, Florida Statutes, is amended and subsection (3) is added to said section to read:

711.06 *Common elements.—*

(1) *Common elements includes within its meaning the following items:*

(a) *The land or leasehold on which the improvements are located and any other land or lease hold included in the condominium property whether or not contiguous.*

(3) *The common elements designated by the declaration may be enlarged by an amendment of the declaration that includes the description of land owned by the association and submits the land to the terms of the declaration. The amendment shall*

be approved and executed in the manner required by the declaration and shall be executed by the association. Such an amendment shall divest the association of title to the land and shall vest the title in the unit owners, without naming them and without further conveyance, in the same undivided shares as the undivided shares in the common elements that are appurtenant to the units owned by them.

Section 4. Section 711.08, Florida Statutes, is amended to read:

711.08 Creation of condominiums; contents of declaration.—

(1) A condominium may be created on lands owned in fee simple or held under a lease, that contains the provisions required by §711.63, having a term initially in excess of ninety-eight (98) years and having an unexpired term of fifty (50) years or more by recording in the public records of the county wherein the land to be included is located a declaration executed with the formalities of a deed by all persons having title of record to the interest in such land being submitted to condominium ownership and all persons having any interest under mortgages of record that encumber any portion of the common elements that are not satisfied prior to the closing of any sales of units, except that in lieu of joining in the execution of the declaration the owner of interests being submitted and the mortgagee thereof may execute appropriate consents or subordination agreements with the formalities required for deeds, or equitable ownership under such a leasehold interest as specified herein, which The declaration shall contain or provide for the following matters:

(a) A statement submitting the condominium property to condominium ownership.

(b) The name by which the condominium is to be identified, which name shall include the word condominium or be followed by the words a condominium.

(c) Legal description of the land or leasehold included.

(d) An identification of each unit by letter, name, or number, or combination thereof, so that no unit bears the same designation as any other unit.

(e) Survey of the land and a graphic description of the improvements in which units are located and a plot plan thereof which together with the declaration are in sufficient detail to identify the common elements and each unit and their relative locations and approximate dimensions. Such survey, plot plan and description may be in the form of exhibits consisting of building plans, floor plans, maps, sketches, surveys or other means, provided that there shall be included or attached a certificate or certificates of an architect, engineer or surveyor authorized to practice in this state that the construction of the improvements described is sufficiently complete so that such material, together with the wording of the declaration, is a correct representation of the improvements described, and that there can be determined therefrom the identification, location, and dimensions and size of the common elements and of each unit.

(f) Creation of easements for ingress and egress, which may be exclusive or non-exclusive, over such streets, walks and other rights-of-way serving the units of a condominium as part of the common elements as shall be necessary to provide reasonable access to the public ways, or a dedication of such streets, walks and other rights-of-way to the public. In the event that said easements for ingress and egress shall be encumbered by leasehold or lien, other than those on the condominium parcels, such leaseholds or liens shall be required to be subordinate or made subordinate to the use rights of any condominium unit owner or owners whose condominium parcel is not also encumbered by said lien or leasehold, or in the alternative, an appropriate non-disturbance agreement may be executed and recorded providing at least in part that the use rights shall not be terminated with respect to any unit owner or owners who in the case of the leasehold have not been evicted for reason of their default under the lease and in the case of a mortgage whose units have not been foreclosed for default.

(g)(f) The undivided shares, stated as percentages or fractions, in the common elements which are appurtenant to each of the units.

(h)(g) The proportions or percentages and manner of sharing common expenses and owning common surplus.

(i)(h) Voting rights of owners of units.

(j)(i) Method of amendment of declaration. If a declaration fails to provide a method of amendment, the declaration may be amended if the amendment is approved by owners of not less than two thirds (2/3) of the units.

(k)(j) Bylaws, but defects or omissions in the bylaws shall not affect the validity of the condominium or the title of condominium parcels.

(l)(k) The name of the association and whether or not it is incorporated. If the association is not incorporated, the name and residence address of the person designated as agent to receive service of process upon the association. Such agent must be a resident of the state.

(m)(l) Such other provisions not inconsistent with this law as may be desired, including but not limited to those relating to amendment of the declaration, values of the condominium property and of each unit or condominium parcel, statement of purpose for which condominium property and units are intended, designation of limited common elements, responsibility for maintenance and repair of units, insuring of the condominium property against loss and the owners and association against liability, reconstruction or repair after casualty and votes required in connection therewith, use restrictions, limitation upon conveyance, sale, leasing, purchase, ownership and occupancy of units, termination of the condominium.

(2) The declaration provided by subsection (1) may include such covenants and restrictions concerning the use, occupancy and transfer of the units as are permitted by law with reference to real property; provided, however, that the rule of property known as the rule against perpetuities shall not be applied to defeat a right given any person or entity by the declaration for the purpose of allowing unit owners to retain reasonable control over the use, occupancy and transfer of units. If the transfer or lease of units is subject to approval of any body, no fee shall be charged in connection with a transfer or approval in excess of the expenditures reasonably required for credit report expense, and this expense shall not exceed fifty dollars (\$50). No charge shall be made in connection with an extension or renewal of a lease.

(3) A person who joins in the execution of a declaration subjects his interest in the condominium property to the provisions of the declaration and the provisions of this chapter.

(4) All valid provisions of the declaration shall be enforceable equitable servitudes and shall run with the land and shall be effective until the declaration is revoked.

Section 5. Subsection (3) of section 711.10, Florida Statutes, is amended to read:

711.10 Amendment of declaration.—

(3) Unless otherwise provided in the declaration as originally recorded, no amendment shall change the configuration or size of any condominium unit in any material fashion, materially alter or modify the appurtenances to such unit, nor change the proportion or percentage by which the owner of the parcel shares the common expenses and owns the common surplus, any condominium parcel unless the record owner thereof and all record owners of liens thereon shall join in the execution of the amendment. If it shall appear through scrivener's error that all of the common expenses or interest in the common surplus, or all of the common elements in the condominium have not been distributed in the declaration, such that the sum total of the shares of common elements which have been distributed or the sum total of the shares of the common expenses or ownership of common surplus fail to equal one hundred percent (100%) (or if it shall appear that through such error more than one hundred percent (100%) of common elements or common expenses or ownership of the common surplus shall have been distributed) such error may be corrected by the filing of an amendment to the declaration executed by the association, and the owners of the units and the owners of liens thereon for which modifications in the shares of common elements or shares of common expense or the common surplus are being made. No other unit owner shall be required to join in or execute such an amendment.

Section 6. Subsections (1) and (2) of section 711.11, Florida Statutes, are amended to read:

711.11 Bylaws.—

(1) The administration of the association and the operation of the condominium property shall be governed by bylaws, which shall be set forth in or annexed to the declaration. No modification of or amendment to the bylaws shall be valid unless set forth in or annexed to a duly recorded amendment to the declaration.

(2) The bylaws shall provide for the following matters, and if they do not do so, the bylaws shall be deemed to include the following matters:

(a) The form of administration of the association shall be described, indicating the title of the officers and board of administration, if any, and specifying the powers, duties, manner of selection and removal, and compensation, if any, of officers and boards. In the absence of such a provision, the board of administration shall be composed of five (5) members, except in the case of condominiums having five (5) or fewer units, in which case one (1) owner of each unit shall be a member of the board of administration. In the absence of provisions to the contrary contained in the bylaws, the board of administration shall have a president, a secretary and a treasurer, who shall perform the duties of such offices customarily performed by like officers of corporations in the state of Florida, such officers shall serve without compensation and at the pleasure of the board of administration. Furthermore, the board of administration, in the absence of a provision in the bylaws to the contrary, may appoint and designate other officers and grant them such duties as it deems appropriate.

~~(b) Method of calling or summoning unit owners to assemble at meetings, the percentage of unit owners or voting rights required to make decisions, and to constitute a quorum. The foregoing requirements as to meetings are not to be construed, however, to prevent unit owners from waiving notice of meetings or from acting by written agreement without meetings, if so provided in the bylaws, the declaration or this law.~~

(b) The percentage of unit owners or voting rights required to make decisions and to constitute a quorum shall be stated; and in the absence of such provisions the owners of a majority of the units shall constitute a quorum, and decisions shall be made by owners of a majority of the units represented at a meeting at which a quorum is present. In addition, provision shall be made for definition and use of proxy; provided however, that no one person shall be designated to hold more than five proxies.

(c) Meetings of the board of administration shall be open to all unit owners and notices of meetings shall be posted conspicuously forty-eight (48) hours in advance for the attention of unit owners except in an emergency.

(d) Unit owners shall meet at least once in each calendar year and such meeting shall be the annual meeting. Unless the bylaws shall provide for their election at another meeting, the annual meeting shall be the time of the election of members of the board of administration whose terms have expired. In the absence of a provision in the bylaws setting forth the terms of some or all of the members of the board of administration which shall expire, the terms of all members of the board of administration shall expire on the date of the annual meeting, upon the election of their successors. The bylaws shall provide the method of calling and summoning the unit owners to assemble at meetings, including annual meetings, which method shall require at least fourteen (14) days written notice to each unit owner in advance of the meeting, and the posting at a conspicuous place on the condominium property a notice of the meeting at least fourteen (14) days prior to said meeting. In the absence of a provision to the contrary, the notice of the annual meeting shall be sent by certified mail to each unit owner, which mailing shall be deemed notice. The foregoing requirements as to meetings are not to be construed, however, to prevent unit owners from waiving notice of meetings or from acting by written agreement without meetings, if so provided in the bylaws, the declaration of condominium, or this law.

(e) Minutes of all meetings of unit owners and of the board of administration shall be kept in a businesslike manner and available for inspection by unit owners and board members at all reasonable times.

(f) A copy of a proposed annual budget of common expenses shall be mailed to the unit owners not less than thirty (30) days prior to the meeting at which the budget will be considered, together with a notice of that meeting. If the bylaws or declaration provide that the budget may be adopted by the board of administration, then the unit owners shall be given written notice of the time and place at which such meeting of the board of administration to consider the budget shall be held, and such meeting shall be open to the unit owners. If a budget is adopted by the board of administration which requires assessment against the unit owners in any fiscal or calendar year exceeding 115% of such assessments for the preceding year, upon written application of ten (10%) percent of the unit owners, a special meeting of the unit owners shall be held upon not less than ten (10) days written notice to each unit owner, but within thirty (30) days of the delivery of such application to the board of administration or any member thereof, at which special meeting unit owners may consider and enact a revision of the budget, or recall any and all members of the board of administration and elect their successors. In either case, unless the bylaws shall require a larger vote, the revision of the budget or the recall of any and all members of the board of administration shall require a vote of not less than a majority of the whole number of votes of all unit owners. The board of administration may in any event propose a budget to the unit owners at a meeting of members or by writing, and if such budget or proposed budget be approved by the unit owners at the meeting, or by a majority of their whole number by a writing, such budget shall not thereafter be reexamined by the unit owners in the manner hereinabove set forth nor shall the board of administration be recalled under the terms of this section. In determining whether assessments exceed 115% of similar assessments in prior years, there shall be excluded in the computation any provision for reasonable reserves made by the board of administration in respect of repair or replacement of the condominium property or in respect of anticipated expenses by the condominium association which are not anticipated to be incurred on a regular or annual basis and there shall be excluded from such computation, assessment for betterments to the condominium property if the bylaws so provide or allow the establishment of reserves, or assessments for betterments to be imposed by the board of administration. Provided, however, that so long as the developer is in control of the board of administration the board shall not impose an assessment for a year greater than 115% of the prior fiscal or calendar year's assessment without approval of a majority of the unit owners.

~~(e) (g) Manner of collecting from the unit owner their shares of the common expenses shall be stated. Assessments shall be made against unit owners not less frequently than quarterly in amounts no less than are required to provide funds in advance for payment of all of the anticipated current operating expenses and for all of the unpaid operating expense previously incurred.~~

~~(d) (h) The method by which the bylaws may be amended consistent with the provisions of this law shall be stated. If the bylaws fail to provide a method of amendment, the bylaws may be amended if the amendment is approved by owners of not less than two thirds (2/3) of the units.~~

Section 7. Section 711.12, Florida Statutes, is amended to read:

711.12 The association.—

(1) The operation of the condominium shall be by the association, the name of which shall be stated in the declaration. The declaration may require the association to be organized as a particular entity, such as but not limited to a corporation for profit or corporation not for profit, in which the owners of units shall be stockholders or members. The officers and directors of the association shall have a fiduciary relationship to the unit owners. An association may operate more than one (1) condominium.

(2) The association, whether or not incorporated, shall be an entity which shall act through its officers and shall have the capability of contracting, bringing suit and being sued, with respect to the exercise or nonexercise of its powers. For these purposes the powers of the association shall include, but not be limited to, the maintenance, management and operation of the condominium property. When the board of administration is not controlled by the developer the association shall have authority and the power to maintain a class action and to settle

a cause of action on behalf of unit owners of a condominium with reference to matters of common interest, including but not limited to the common elements, the roof and structural components of a building or other improvement, and mechanical, electrical and plumbing elements serving an improvement or a building as distinguished from mechanical elements serving only a unit. In any case in which the association has the authority and the power to maintain a class action, the association may be joined in an action as representatives of that same class with reference to litigation and disputes involving the matters for which the association could bring a class action. If not incorporated the association shall be deemed to be an entity existing pursuant to this act and shall have power to execute contracts, deeds, mortgages, leases and other instruments by its officers, and to own, convey and encumber real and personal property. Service of process upon the association if not incorporated may be had by serving any officer of the association or by serving the agent designated for the service of process. Service of process upon the association shall not constitute service of process upon any unit owner. Nothing herein shall limit any statutory or common law right of any individual unit owner or class of unit owners to bring any action which may otherwise be available in any court.

(3) No unit owner, except as an officer of the association, shall have any authority to act for the association.

(4) ~~Unless limited by the declaration the~~ The powers and duties of the association shall include those set forth in this law. The powers and duties of the association shall include also those set forth in the declaration and bylaws, not inconsistent with this section.

(5) The association shall have the irrevocable right to have access to each unit from time to time during reasonable hours as may be necessary for the maintenance, repair or replacement of any common elements therein or accessible therefrom, or for making emergency repairs therein necessary to prevent damage to the common elements or to another unit or units.

(6) The association shall have the power to make and collect assessments, and to lease, maintain, repair and replace the common elements.

(7) The association shall maintain accounting records according to good accounting practices which shall be open to inspection by unit owners or their authorized representatives at reasonable times and written summaries of which shall be supplied at least annually to unit owners or their authorized representatives. Failure of the association to permit inspection of its accounting records by unit owners or their authorized representatives shall entitle any person prevailing in an action for enforcement to recover reasonable attorney fees from the association. ~~annually to unit owners.~~ Such records shall include:

(a) A record of all receipts and expenditures.

(b) An account for each unit which shall designate the name and address of the unit owner, the amount of each assessment, the dates and amounts in which the assessments come due, the amounts paid upon the account and the balance due.

(8) The association, whether or not incorporated, shall have the power unless prohibited by the declaration of condominium, articles of incorporation, or bylaws of the association, to purchase units in the condominium and to acquire and hold, lease, mortgage and convey the same.

(9) In any legal action in which the association may be exposed to liability in excess of insurance coverage protecting it and the unit owners, the association shall give notice of the exposure within a reasonable time to all unit owners who may be exposed to the liability and they shall have the right to intervene and defend.

(10) A copy of each insurance policy obtained by the association shall be made available for inspection by unit owners at reasonable times.

Section 8. Subsection (4) of section 711.13, Florida Statutes, as created by chapter 70-274, Laws of Florida, and as amended by chapter 71.277, Laws of Florida, is hereby repealed.

Section 9. Subsection (6) of section 711.15, Florida Statutes, is amended and subsection (8) is added to said section to read:

711.15 Assessments; liability; lien and priority; interest; collection.—

(6) Where the mortgagee of a first mortgage of record or other purchaser of a condominium unit obtains title to the condominium parcel as a result of foreclosure of the first mortgage, or if the declaration so provides, as a result of a deed given in lieu of foreclosure, such acquirer of title, his successors and assigns, shall not be liable for the share of common expenses or assessments by the association pertaining to such condominium parcel or chargeable to the former unit owner of such parcel which became due prior to acquisition of title as a result of the foreclosure, unless such share is secured by a claim of lien for assessments that is recorded prior to the recording of the foreclosed mortgage. Such unpaid share of common expenses or assessments shall be deemed to be common expenses collectible from all of the unit owners including such acquirer, his successors and assigns. If the declaration so provides, the foregoing provision may apply to any mortgage of record and shall not be restricted to first mortgages of record. A first mortgagee acquiring title to a condominium parcel as a result of foreclosure or a deed in lieu of foreclosure, whether or not such parcel is unoccupied, be excused from the payment of some or all of the common expenses coming due during the period of such ownership.

(8) Except as provided for in subsection (6) above, and in this subsection, no unit owner may be excused from the payment of his proportionate share of the common expense of a condominium unless all unit owners are likewise proportionately excused from such payment, except in the following cases:

(a) A developer or other person owning condominium units offered for sale may, if the declaration so provides, be excused from the payment of the share of the common expenses and assessments related thereto for a period subsequent to the recording of the declaration of condominium and terminating not later than the first day of the fourth calendar month following the month in which such declaration is recorded, or for a period terminating with the first day of the month of the third succeeding calendar month after the closing of the purchase and sale of any condominium unit within the condominium to a unit owner who is not the developer, the nominee of the developer, or a substitute or alternative developer, whichever shall be the later date; or,

(b) A developer or other person owning condominium units may be excused from the payment of his or its share of the common expense in respect of those units during such period of time that he or it shall have guaranteed that the assessment for common expenses of the condominium, imposed upon the unit owners other than the developer or such person making the guarantee, shall not increase over a stated dollar amount, and obligate himself or itself to pay any amount of common expenses incurred during that period and not produced by the assessments at the guaranteed level receivable from other unit owners.

Section 10. Subsection (3) of section 711.19, Florida Statutes, is hereby repealed.

Section 11. Section 711.23, Florida Statutes, is redesignated as section 711.62 and amended to read:

711.62 ~~711.23~~ Obligations; Remedies remedies for violation; restrictions upon waiver.—

(1) Each unit owner and each association shall be governed by and shall comply with this law and the declaration and bylaws or cooperative documents as they may exist from time to time. Failure to do so shall entitle the association or any other unit owner to recover sums due for damages or injunctive relief or both. Such actions may be maintained by or against a unit owner or the association or in a proper case by an aggrieved or against one or more unit owners, and the prevailing party shall be entitled to recover reasonable attorney fees. Such relief shall not be exclusive of other remedies provided by law.

(2) A provision of this chapter may not be waived if the waiver would adversely affect the rights of a unit owner or the purpose of the provision, except that unit owners or members of a board of administration may waive notice of meetings in writing at or after said meeting in the manner permitted by law or under the terms of the declaration of condominium, the bylaws of the association, or, if the condominium association be

incorporated, under the provisions of the corporate charter. Any instructions given in writing by the unit owner to an escrow agent may be relied upon by an escrow agent whether or not such instruction and the payment of funds might thereunder constitute a waiver of any provision of this chapter.

Section 12. Section 711.24, Florida Statutes, as created by chapter 70-274, Laws of Florida, and amended by chapters 71-277 and 72-201, Laws of Florida, is hereby repealed.

Section 13. Section 711.25, Florida Statutes, is redesignated as section 711.67 and amended to read:

~~711.25~~ 711.67 Deposits Sales; use of proceeds prior to closing.—

(1) If a developer contracts to sell a condominium or cooperative parcel in a building that has not been completed, established, furnished and landscaped substantially in accordance with the plans and specifications and representations made by the developer in the disclosures required by this chapter, and if there is no payment and performance bond in the amount of the construction contract price that covers such completion and equipping, the developer shall establish an escrow with a bank or trust company having trust powers, an attorney who is a member of the Florida Bar or a title company authorized to do business in the state of Florida, with whom shall be deposited all payments received by the developer from the buyer of such parcel upon the sale price of the parcel until the amount deposited shall equal five percent (5%) of the sale price. The escrowed funds may be deposited in separate accounts, or in common escrow or trust accounts or commingled with other escrow or trust monies handled by or received by the escrow agent. The conditions for the release of funds from the escrow shall conform to the following:

(a) Funds deposited from payments made by a buyer who properly voids his contract shall be paid to the buyer free of all costs of the escrow.

(b) Prior to the closing of the transaction of purchase and sale, no funds shall be paid to the developer from the escrowed funds except in case of default by buyer.

(c) The escrow agent may disburse the escrowed funds paid or deposited by the buyer at or after the closing of the transaction of the purchase and sale of the parcel in accordance with written instructions from the buyer.

(d) Unless the funds of a buyer have been previously disbursed in accordance with the provisions of this subsection (1), such funds shall be disbursed to the developer by the escrow agent upon the expiration of six (6) months after the closing of the transaction of sale and purchase, unless prior to such disbursement the escrow agent has received from the buyer written notice of a dispute between buyer and developer.

(e) If the escrow funds shall earn interest, the interest shall be paid or credited to the developer if he is entitled to receive the principal, or paid to the buyer if he properly voids the contract and is entitled to return of the principal. The reasonable expenses incurred by the escrow agent in discharging his duties shall be an expense of the escrow.

~~(1)~~ (2) Whenever money shall be deposited or advanced paid to a developer on a contract for the purchase of a condominium unit prior to the filing of a notice of commencement for the condominium project pursuant to part I of chapter 713, such money or cooperative parcel prior to commencement of construction such money in excess of five percent (5%) of the sale price of the parcel shall be held in a special account by the seller developer or his duly authorized agent and shall not be commingled with the funds of the seller or his agent prior to the filing of a notice of commencement used by developer prior to closing of the transaction, except as provided in subsection (3), or for refund for the buyer. If such money shall remain in this special account for more than three months and if it shall earn interest, the interest so earned shall be added to the principal and paid or credited to the buyer or seller developer, as the case may be, who is entitled to receive the principal upon closing or upon breach of the contract.

~~(2)~~ (3) When a notice of commencement is filed for the condominium project pursuant to part I of chapter 713, the construction of improvements has commenced, and if the contract for sale of the condominium unit or cooperative parcel so provides, the developer of the condominium project may

withdraw such advance deposits funds from the special account and use such sums funds in the actual construction and development of the condominium or cooperative property in which the apartment unit to be sold is located, except that no part of such funds may be used for salaries of salesmen, commissions or expenses of salesmen, or for advertising purposes. In every such case when the contract permits use of the advance payments or deposits upon a sales contract for such purposes, there shall be printed or clearly stamped on the face of the contract and also immediately above the place for signature of the buyer the following legend: ADVANCE PAYMENTS MADE PURSUANT TO THIS CONTRACT MAY BE USED FOR CONSTRUCTION PURPOSES BY THE DEVELOPER. This legend shall be conspicuously printed or stamped in boldface bold-faced capital type as large as or larger than the largest type used in the text of the contract but in no event less than 20 point type. Failure to comply with the provisions of this subsection shall render the contract voidable at the option of the buyer, and all sums deposited or advanced under the contract shall be refunded with interest thereon at the highest rate then being paid on savings accounts, not inclusive of certificates of deposit, by savings and loan associations in the area in which the condominium or cooperative property is located. However, nothing herein shall be construed as vesting in the buyer any lien rights not otherwise provided by law or contract.

~~(3)~~ (4) If a developer fails to establish the escrow required by subsection (1) or if any portion of the funds so withdrawn from the special account required by subsection (2) is used by the developer prior to closing of the transaction for any purpose other than as provided herein, with intent to defraud the prospective buyer, the developer shall be deemed guilty of embezzlement and upon conviction shall be punished in a manner provided by law.

Section 14. Sections 1, 2, and 3 of chapter 70-135, Laws of Florida, appearing as sections 711.30, 711.31, and 711.32, Florida Statutes, are hereby repealed.

Section 15. Sections 711.41, 711.42, 711.43, 711.44, 711.45, 711.46, and 711.47, Florida Statutes, are created to read:

711.41 Application of §§711.42-711.47.—The provisions of §§711.42 through 711.47 apply to cooperative ownership.

711.42 Definitions.—As used in §§711.43 through 711.47:

(1) Assessment means a share of the funds required for the payment of common expenses which from time to time is assessed against the unit owner.

(2) Association means the entity that owns the record title or a leasehold of the property of a cooperative and that is responsible for the operation of the cooperative.

(3) Board of administration means the board of directors or other representative body responsible for administration of the association.

(4) Bylaws means the bylaws for the government of the cooperative as they exist from time to time.

(5) Common areas means the portions of the cooperative property not included in the units.

(6) Common expenses means the expenses for which the unit owners are liable to the association.

(7) Common surplus means the excess of all receipts of the association, including but not limited to assessments, rents, profits and revenues on account of the common areas, over the amount of common expenses.

(8) Cooperative is that form of ownership of improved property under which units are subject to ownership by one (1) or more owners, which ownership is evidenced by a lease or other muniment of title or possession granted by the association as the owner of the cooperative property.

(9) Cooperative documents means the documents that create a cooperative, including but not limited to articles of incorporation of the association, bylaws, the ground lease or other underlying lease, if any, the document evidencing a unit owner's membership or share in the association, and the document recognizing a unit owner's title or right of possession of his unit.

(10) *Cooperative parcel* means a unit together with the undivided share in the assets of the association that is appurtenant to the unit.

(11) *Cooperative property* means the property subject to cooperative ownership and all other property owned by the association.

(12) *Developer* means a person who creates a cooperative, or who offers cooperative parcels owned by him for sale or lease in the ordinary course of business, except that the term developer shall not include the owners or lessees of units in cooperatives who offer the units for sale or lease or their leasehold interests for assignment, when they have acquired or leased the units for their own occupancy. This definition shall be construed liberally to accord substantial justice to a unit owner or lessee.

(13) *Operation, or operation of the cooperative*, means and includes the administration and management of the cooperative property.

(14) *Unit* means a part of the cooperative property which is to be subject to private ownership. A unit may be improvements, land, or land and improvements together as specified in the cooperative documentation.

(15) *Unit owner or owner of a unit* means the person holding a lease or other muniment of title or possession of a unit that is granted by the association as the owner of the cooperative property.

(16) *Residential cooperative* means a cooperative comprising cooperative units any of which are intended for use as a private residence, domicile or homestead, except that a cooperative shall not be deemed a residential cooperative if the use for which the units are intended is primarily commercial or industrial and not more than three (3) units are intended to be used for private residence, domicile or homestead and are intended to be used as housing for maintenance, managerial, janitorial or other operational staff of the cooperative. In the event that a cooperative shall be a residential cooperative under the definition herein contained, but otherwise have units whose use is intended to be commercial or industrial, then in such case the cooperative shall be deemed a residential cooperative with respect to those units which are intended for use as a private residence, domicile or homestead, but not a residential cooperative with respect to those units which are intended for use commercially or industrially.

711.43 *Cooperative parcels; appurtenances; possession and enjoyment.*—

(1) A cooperative parcel is a unit and its appurtenances.

(2) There shall pass with a unit as appurtenances thereto:

(a) Evidence of membership or of ownership of shares or of other interest in the association.

(b) An undivided share in the assets of the association.

(c) The exclusive right to use such portion of the common areas as may be provided by the cooperative documents.

(d) The undivided share in the common surplus attributable to the unit.

(e) Such other appurtenances as may be provided in the cooperative documents.

(3) The owner of a unit is entitled to the exclusive possession of his unit. He shall be entitled to use the common areas in accordance with the purposes for which they are intended, but no such use shall hinder or encroach upon the lawful rights of owners of other units.

711.44 *Bylaws.*—

(1) The bylaws or other cooperative documents shall provide for the following matters, and if they do not do so, the bylaws shall be deemed to include the following matters:

(a) The form of administration of the association shall be described, indicating the title of the officers and board of administration, and specifying the powers, duties, manner of selection and removal, and compensation, if any, of officers and boards. In the absence of such a provision, the board of administration shall be composed of five (5) members, except in the case of cooperatives having five (5) or fewer units, in

which case one (1) owner of each unit shall be a member of the board of administration. In the absence of provisions to the contrary contained in the bylaws, the board of administration shall have a president, a secretary and a treasurer, who shall perform the duties of such offices customarily performed by like officers of corporations in the State of Florida, and such officers shall serve without compensation and at the pleasure of the board of administration. Furthermore, the board of administration, in the absence of a provision in the bylaws to the contrary, may appoint and designate other officers and grant them such duties as it deems appropriate.

(b) The percentage of unit owners or voting rights required to make decisions and to constitute a quorum shall be stated; and in the absence of such provisions, the owners of a majority of the units shall constitute a quorum, and decisions shall be made by owners of a majority of the units represented at a meeting at which a quorum is present. In addition, provision shall be made for definition and use of proxy; provided however, that no one person shall be designated to hold more than five proxies.

(c) Meetings of the board of administration shall be open to all unit owners and notice of meetings shall be posted conspicuously forty-eight (48) hours in advance for the attention of unit owners except in an emergency.

(d) Unit owners shall meet at least once in each calendar year and such meeting shall be the annual meeting. Unless the bylaws shall provide for their election at another meeting, the annual meeting shall be the time of the election of the members of the board of administration whose terms have expired. In the absence of a provision in the bylaws setting forth the terms of some or all of the members of the board of administration which shall expire, the terms of all members of the board of administration shall expire on the date of the annual meeting upon the election of their successors. The bylaws shall provide the method of calling and summoning the unit owners to assemble at meetings, including annual meetings, which method shall require at least fourteen (14) days written notice to each unit owner in advance of the meeting, and the posting at a conspicuous place on the cooperative property a notice of the meeting at least fourteen (14) days prior to said meeting. In the absence of a provision to the contrary, the notice of the annual meeting shall be sent by certified mail to each unit owner, which mailing shall be deemed notice. The foregoing requirements as to meetings are not to be construed, however, to prevent unit owners from waiving notice of meetings or from acting by written agreement without meetings, if so provided in the bylaws, the other cooperative documents, or this law.

(e) Minutes of all meetings of unit owners and of the board of administration shall be kept in a businesslike manner and available for inspection by unit owners and board members at all reasonable times.

(f) A copy of a proposed annual budget of common expenses shall be mailed to the unit owners not less than thirty (30) days prior to the meeting at which the budget will be considered, together with a notice of that meeting. If the bylaws or other cooperative documents provide that the budget may be adopted by the board of administration, then the unit owners shall be given written notice of the time and place at which such meeting of the board of administration to consider the budget shall be held, and such meeting shall be open to the unit owners. If a budget is adopted by the board of administration which requires assessment against the unit owners in any fiscal or calendar year exceeding 115% of such assessments for the preceding year, upon written application of ten (10%) percent of the unit owners, a special meeting of the unit owners shall be held upon not less than ten (10) days written notice to each unit owner, but within thirty (30) days of delivery of such application to the board of administration or any member thereof, at which special meeting unit owners may consider and enact a revision of the budget, or recall any and all members of the board of administration and elect their successors, unless at that time the developer is in control of the board of administration. In either case, unless the bylaws shall require a larger vote, the revision of the budget or the recall of any and all members of the board of administration shall require a vote of not less than a majority of the whole number of votes of all unit owners. The board of administration may in any event propose a budget to the unit owners at a meeting of members or by writing, and if such budget or proposed budget be approved by the unit owners

at the meeting, or by a majority of their whole number by a writing, such budget shall not thereafter be examined by the unit owners in the manner hereinabove set forth, nor shall the board of administration be recalled under the terms of this section. In determining whether assessments exceed 115% of similar assessments for prior years, there shall be excluded in the computation any provision for reasonable reserves made by the board of administration in respect of repair or replacement of cooperative property or in respect of anticipated expenses by the association which are not anticipated to be incurred on a regular or annual basis, and there shall be excluded from such computation, assessment for betterments to the cooperative property if the bylaws so provide or allow the establishment of reserves, or assessments for betterments to be imposed by the board of administration. Provided, however, that so long as the developer is in control of the board of administration, the board shall not impose an assessment for a year greater than 115% of the prior fiscal or calendar year's assessment without approval of a majority of the unit owners.

(g) The manner of collecting from the unit owners their shares of the common expenses shall be stated. Assessments shall be made against unit owners not less frequently than quarterly in amounts no less than are required to provide funds in advance for payment of all of the anticipated current operating expense and for all of the unpaid operating expense previously incurred.

(h) If the transfer of units is subject to approval of any body, no fee shall be charged in connection with a transfer or approval in excess of the expenditures reasonably required for credit report expense, and this expense shall not exceed fifty dollars (\$50). No charge shall be made in connection with an extension or renewal of a lease.

(i) The method by which the bylaws may be amended consistent with the provisions of this law shall be stated. If the bylaws fail to provide a method of amendment, the bylaws may be amended if the amendment is approved by owners of not less than two thirds (2/3) of the units.

(2) The bylaws may provide for the following:

(a) Method of adopting and of amending administrative rules and regulations governing the details of the operation and use of the common areas.

(b) Such restrictions on and requirements respecting the use and maintenance of the units and the use of the common areas, not inconsistent with the cooperative documents, as are designed to prevent unreasonable interference with the use of the units and common areas.

(c) Such other provisions not inconsistent with this law or with the cooperative documents as may be desired.

711.45 The association.—

(1) The operation of the cooperative shall be by the association, which may be organized as a corporation for profit or corporation not for profit, in which the owners of units shall be stockholders or members.

(2) The association shall have the irrevocable right to have access to each unit from time to time during reasonable hours as may be necessary for the maintenance, repair or replacement of any structural components of the building or any mechanical, electrical or plumbing elements therein or accessible therefrom, or for making emergency repairs therein necessary to prevent damage to the building or to another unit or units.

(3) The association shall maintain accounting records according to good accounting practices which shall be open to inspection by unit owners or their authorized representatives at reasonable times and written summaries of which shall be supplied at least annually to unit owners or their authorized representatives. Failure of the association to permit inspection of its accounting records by unit owners or their authorized representatives shall entitle any person prevailing in an action for enforcement to recover reasonable attorney fees from the association. Such records shall include:

(a) A record of all receipts and expenditures.

(b) An account for each unit which shall designate the name and address of the unit owner, the amount of each

assessment, the dates and amounts in which the assessments come due, the amounts paid upon the account and the balance due.

(4) A copy of each insurance policy obtained by the association shall be made available for inspection by unit owners at reasonable times.

711.46 Common expenses and common surplus.—

(1) Common expenses shall include the expenses of the operation, maintenance, repair, or replacement of the cooperative property, costs of carrying out the powers and duties of the association and any other expense designated as common expense by this law, or the cooperative documents.

(2) Funds for the payment of common expenses shall be assessed against unit owners in the proportions or percentages of sharing common expenses provided in the cooperative documents.

711.47 Assessments; liability; lien and priority; interest; collection.—

(1) A unit owner, regardless of how title is acquired, including without limitation a purchaser at a judicial sale, shall be liable for all assessments coming due while he is the owner of a unit. In a voluntary conveyance the grantee shall be jointly and severally liable with the grantor for all unpaid assessments against the latter for his share of the common expenses up to the time of such voluntary conveyance, without prejudice to the rights of the grantee to recover from the grantor the amounts paid by the grantee therefor.

(2) The liability for assessments may not be avoided by waiver of the use or enjoyment of any common areas or by abandonment of the unit for which the assessments are made.

(3) Assessments and installments thereon not paid when due shall bear interest from the date when due until paid at the rate provided in the cooperative documents, not to exceed the rate allowed by law, and if no rate is provided then at the legal rate.

(4) The association shall have a lien on each cooperative parcel for any unpaid assessments, and interest thereon, against the unit owner of such cooperative parcel. If authorized by the cooperative documents said lien shall also secure reasonable attorney's fees incurred by the association incident to the collection of such assessment or enforcement of such lien.

(5) Liens for assessments may be foreclosed by suit brought in the name of the association in like manner as a foreclosure of a mortgage on real property. In any such foreclosure the unit owner shall be required to pay a reasonable rental for the cooperative parcel, if so provided in the cooperative documents, and the plaintiff in such foreclosure shall be entitled to the appointment of a receiver to collect the same. The association shall have the power, unless prohibited by the cooperative documents, to bid on the cooperative parcel at foreclosure sale, and to acquire and hold, lease, mortgage and convey the same. Suit to recover a money judgment for unpaid assessments may be maintained without waiving the lien securing the same.

(6) Any unit owner shall have the right to require from the association a certificate showing the amount of unpaid assessments against him with respect to his cooperative parcel. Any person other than the owner who relies upon such certificate shall be protected thereby.

Section 16. Sections 711.61, 711.63, 711.64, 711.65, 711.66, 711.68, 711.69, 711.70, 711.71 and 711.72, Florida Statutes, are created to read:

711.61 Application of Sections 711.62-711.72.—The provisions of sections 711.62 through 711.72 apply to condominium ownership and to cooperative ownership.

711.63 Creation of condominium and cooperatives; contents of leases.—If any portion of the common elements or common areas or any other property serving the unit owners of a condominium or cooperative is subject to a lease, and the rent under the lease is payable by the association or by the unit owners, or if a developer leases a unit for a term of more than five (5) years or sells a unit subject to a lease with a remaining term of more than five (5) years, the terms of the lease shall comply with the following requirements:

(1) The leased land must be described by a legal description that is sufficient to pass title, and the leased personal property must be described by a general description of the items of personal property and the approximate number of each item of personal property that the developer is committing to furnish for each room or other facility, or in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility. Unless the lease is of a unit, the description of the land shall be supplemented by a survey showing the relation of the leased land to the land included in the common elements or common areas. This provision shall not prohibit the adding of additional land or personal property in accordance with the terms of the lease provided that there is no increase in rent nor material increase in maintenance costs to the individual unit owner.

(2) The lease shall contain no reservation of the right of possession or control of the leased property in favor of the lessor or any person other than unit owners or the association, and shall create no rights to possession or use of the leased property in any parties other than the association or unit owners of the condominiums or cooperatives to be served by leased property unless the reservations and rights created are conspicuously disclosed. Any provision for use of the leased property by other than unit owners of the condominiums or cooperatives to be served by the leased property shall be subject to cancellation by the unit owners in the manner elsewhere provided after the transfer to unit owners other than the developer of control of the association operating the leased property. This requirement shall not preclude a developer from showing the leased property to prospective purchasers of units at reasonable times.

(3) Unless the lease is of a unit, the lease shall determine the minimum number of unit owners that will be required directly or indirectly to pay the rent payable under the lease and the maximum number of units that will be served by the leased property. The limitation of the number of units to be served shall not preclude enlargement of the facilities leased and an increase in its capacity if approved by the association operating the leased property after unit owners other than the developer have assumed control of the association.

(4) The lease shall provide, and if it does not so provide, shall be deemed to provide, that in any action by the lessor to enforce a lien for rent payable with respect to leases under this section or any action by the association or a unit owner with respect to the obligations of the lessee or the lessor under the lease, the unit owner may interpose any defenses, legal or equitable, that he may have with respect to the lessor's obligations under the lease. If the unit owner interposes any defense other than payment of rent under the lease, the unit owner shall pay into the registry of the court the accrued rent as alleged in the complaint, or as determined by the court, and the rent which accrues during the pendency of the proceeding, when due. Failure of the unit owner to pay the rent into the registry of the court as provided herein constitutes an absolute waiver of the unit owner's defenses other than payment and the lessor shall be entitled to an immediate default. When the unit owner has deposited funds into the registry of the court as provided herein, the lessor may apply to the court for disbursement of all or part of the funds as may be shown to be necessary for the payment of taxes, mortgage payments, maintenance and operating expenses, and other necessary expenses incident to maintaining and equipping the leased facilities. The court, after preliminary hearing, may award all or any part of the funds on deposit to the lessor or may advance the cause on the calendar and to a final resolution of the cause.

(5) If the lease is of recreational facilities or other commonly used facilities that are not completed, rent shall not commence until some of the facilities are completed. Until all of the facilities leased are completed, rent shall be prorated and paid only for the completed facilities in the proportion that the value of the completed facilities bears to the estimated value when completed of all of the facilities that are leased. For the purposes of this subsection, a completed recreational facility or other commonly used facility means a facility that is completed and is available for use.

(6) If a lease is of a residential unit or of recreational facilities or other commonly used facilities serving residential units, the rent shall be a stated sum payable periodically that may be adjusted only at intervals of not less than ten (10) years. If the rent is adjusted, the adjustment shall be by in-

crease and decrease in accordance with the changes in a nationally recognized and conveniently available commodity index except that the lease may preclude a decrease below the rent originally required.

(7) (a) A lease of recreational facilities or other commonly used facilities shall grant to the lessee an option to purchase the leased property payable in cash on any anniversary date of the beginning of the lease term after the tenth anniversary at a price then determined by agreement, and if there is no agreement then by arbitration under the Florida arbitration code; provided that in the event of arbitration, the arbitrators shall take into account the capitalization of the current rent but shall not take into account the discounted rent for the unexpired term of the lease.

(b) In the event the lessor wishes to sell his interest and shall have received a bona fide offer to purchase same, such lessor shall notify the association and each unit owner with an executed copy of such offer and the terms thereof. The association shall have the option, following receipt of such offer to purchase the interest on the terms and conditions set forth in the offer, for a period to extend until ninety (90) days following receipt of the offer by the association. Said option shall be exercised, if at all, by notice in writing given to the lessor within said period. If the association does not exercise the option herein granted, the lessor shall have the right for a period of sixty (60) days after receipt of the notice not to exercise the option within which to complete the transaction described in the offer to purchase named therein. If for any reason such transaction is not concluded and notice of such fact given to the association within said sixty (60) days, the offer shall be deemed to have been abandoned and the provisions of this subsection shall be reimposed on the interest in question.

(c) The options shall be exercised upon approval by owners of seventy-five percent (75%) of the units served by the leased property.

(8) Any lien for rent or other monies or exactions due and payable under a lease and encumbering a unit shall be subordinate to any mortgage encumbering a condominium or cooperative parcel, made to a bank, savings and loan association, insurance company, trust company or other institutional lender selected by the mortgagor. Alternatively, the lease or subordination agreement may provide, however, that upon the foreclosure of any such mortgage that the lien for the unit owner's share of the rent and/or other exactions, shall not be extinguished but shall be foreclosed and unenforceable as against the mortgagee, with respect to that parcel's share of the rent and other exactions due and payable under the terms of the lease which mature and/or become due and payable on or before a date which is not sooner than the date of the final judgment of foreclosure, in the event of foreclosure, or on or before a date which is not sooner than the date of the delivery of the deed in lieu of foreclosure, in the case of a deed given to the mortgagee in lieu of foreclosure. Said lien may, however, automatically and by operation of the lease or other instrument, re-attach to the parcel and secure the payment of the parcel's proportionate share of the rent and/or other exactions coming due under the terms of the lease which mature or come due subsequent to a date which is not sooner than the final decree of foreclosure, or not sooner than the date of delivery of the deed in lieu of foreclosure, in the case of deed in lieu of foreclosure.

711.64 Creation of condominiums and cooperatives; completion of phase projects.—

(1) The purpose of this section is to assure unit owners of the extent of condominium and cooperative developments that will be served by recreational and other facilities used in common with other persons.

(2) This section applies to each condominium and to each cooperative in which the unit owners will be required to pay as a condition of unit ownership directly or indirectly for the privilege of using recreational or other facilities in common with the occupants of other condominiums or cooperatives or other developments, or for the maintenance and operation of such commonly used facilities.

(3) An exhibit shall be attached to the prospectus as required by section 711.69, Florida Statutes, which shall be en-

titled "Developer's Commitment to Phase Development", hereafter in this section called developer's commitment, and shall contain or provide for the following matter:

(a) A legal description of all of the land that may be ultimately included in the proposed condominiums or cooperatives to be served by the commonly used facilities and a legal description of the land that will contain the proposed commonly used facilities, all of which land is hereafter in this section called the land.

(b) An opinion by an attorney-at-law or a title insurance policy showing that the record title of the land, or of a leasehold of the land having a term initially in excess of ninety-eight (98) years with an unexpired term of more than fifty (50) years, is in the developer, and that the land is zoned so as to allow the proposed use.

(c) The developer may provide that additional lands not legally described as required above may be added to the proposed project by indicating the general location and maximum number of acres which may so be added. Provided, however, that in such case the developer shall also set out the minimum dollar amount that the developer will be obligated to expend or cause to be expended in the providing of additional facilities which he is not otherwise obligated to provide, which dollar amount shall be on a per acre basis or on a per additional condominium or cooperative unit basis for condominium or cooperative units contained within such additional lands, or on a per acre or a per additional dwelling unit basis if residential units other than condominium or cooperative units are involved and contained within such lands.

(d) A legal description of the land that will contain the proposed commonly used facilities to the extent that such land is not included in the land described in paragraph (a).

(e) A statement of the minimum and maximum quantity of land intended to be used for commonly used recreational facilities.

(f) A plot plan or alternate plot plans of the land described in paragraphs (a) and (b) showing the approximate location of the recreational and other facilities intended to be used in common other than rights-of-way.

(g) A general description of the items of personal property and the number of each item of personal property that is to be furnished by the developer for each room or other facility in the commonly used facilities.

(h) A statement as to whether the recreational and other commonly used facilities will be owned by or for the benefit of the unit owners, or whether these facilities will be owned by others and leased to unit owners or the association. If these facilities are to be leased to unit owners or the association, a proposed lease or alternate leases, but no more than three (3) lease forms, stating all of the proposed terms and conditions of the leases shall be attached as part of the developer's commitment.

(4) A developer who makes a developer's commitment shall not be committed to construct improvements in addition to the improvements required by the declaration or cooperative documents, but the developer shall be restricted in the development as hereafter provided.

(5) The effect of a developer's commitment shall be contractual and shall survive the closing of the unit and may be enforced by injunction and its contents shall be deemed a part of the developer's contract obligations in respect of the contract for the sale of each condominium or cooperative unit to which the commitment shall be applicable. The representations made by a developer in the developer's commitment as required by this section shall, however, be only for the benefit of unit owners in cooperatives or condominiums for which the disclosures are required to be made, and the developer's commitment with respect to the representations made in accordance with the requirements of this section shall be actionable only by unit owners or the association in condominiums or cooperatives for whom the disclosure is required to be made under the provisions of the section and by no other persons.

(6) Nothing contained herein shall prohibit the developer from building or including additional facilities, land, structures or personal property as part of the common facilities unless a material increase in the cost of maintenance to each of the unit owners would result therefrom.

711.65 Sales; warranties.—

(1) An implied warranty of fitness and merchantability shall attach:

(a) To each condominium or cooperative parcel that is created a condominium or cooperative parcel within five (5) years after the completion of the building containing the units,

(b) To the personal property that is transferred with or is appurtenant to each of such parcels, and

(c) To all improvements and personal property provided for the use of unit owners of a condominium or cooperative that is created a condominium or cooperative prior to the date that is five (5) years after the completion of such improvements. For the purpose of this subsection (1), completion of the building means issuance of a final certificate of occupancy for the entire building or the equivalent authorization issued by the governmental body having jurisdiction, and in areas where no certificate of occupancy or equivalent authorization is issued, it means substantial completion of the building according to the plans and specifications.

(2) This implied warranty shall inure to the benefit of each owner and his successor owners, and to the benefit of a developer, as follows:

(a) As to the roof and structural components of a building or other improvement, and as to mechanical, electrical and plumbing elements serving an improvement or a building as distinguished from mechanical elements serving only a unit, there shall be the following warranties:

1. From the developer for the period beginning with the date of the first occupancy or use of a building or other improvement by a unit owner other than the developer, and ending in five (5) years or ending in six (6) months after unit owners other than the developer elect a majority of the board of the administration of the association, whichever period is the lesser, but in no event in less than three (3) years. Provided, however, that if the developer secures reports from registered engineers dated after the three (3) year period beginning with the date of the first occupancy or use of a building or other improvement by a unit owner other than the developer, and the reports certify as to the condition of warranted items, the period of the warranties as to the items covered by the reports shall end six (6) months after the date of mailing by certified mail of a copy of such reports to each unit owner.

2. From the contractor, subcontractors and suppliers for a period of three (3) years from the completion of construction or installation.

(b) As to all other property there shall be the following warranties:

1. From the developer for a period of one (1) year beginning with the closing of a sale of a unit or with the date of first occupancy of the unit, whichever shall first occur, as to property that is a part of or passes with a condominium or cooperative parcel, and as to all other property beginning with the date of first use of the property by a unit owner other than the developer.

2. From the contractor, subcontractors and suppliers for a period of one (1) year from the completion of construction of improvements or from the installation of personal property.

(3) The warranties herein provided to the unit owner or the association shall be conditioned upon routine maintenance being performed.

711.66 Sales; transfer of association control.—

(1) When unit owners other than the developer own fifteen percent (15%) or more of the units that will be operated ultimately by an association, the unit owners other than the developer shall be entitled to elect not less than one third (1/3) of the members of the board of administration of the association. Unit owners other than the developer shall be entitled to elect not less than a majority of the members of the board of administration of an association three (3) years after sales by the developer have been closed of seventy-five percent (75%) of the units that will be operated ultimately by the association, or three (3) months after sales have been closed by the de-

veloper of ninety percent (90%) of the units that will be operated ultimately by the association, or when all of the units that will be operated ultimately by the association have been completed and some of them have been sold and none of the others are being offered for sale by the developer in the ordinary course of business, whichever shall first occur. The developer shall be entitled to elect not less than one (1) member of the board of administration of an association as long as the developer holds for sale in the ordinary course of business any units in a condominium or cooperative operated by the association.

(2) Within sixty (60) days after unit owners other than the developer are entitled to elect a member or members of the board of administration of an association, the association, shall call and give not less than thirty (30) days nor more than forty (40) days notice of a meeting of the unit owners for this purpose. Such meeting may be called and the notice given by any unit owner if the association fails to do so.

(3) If a developer holds units for sale in the ordinary course of business, none of the following actions may be taken without approval in writing by the developer:

(a) Assessment of the developer as a unit owner for capital improvements.

(b) Any action by the association that would be detrimental to the sales of units by the developer; provided, however, that an increase in assessments for common expenses without discrimination against the developer shall not be deemed to be detrimental to the sales of units.

(4) Prior to or within a reasonable time after unit owners other than the developer elect a majority of the members of the board of administration of an association, the developer shall relinquish control of the association and shall deliver to the association all property of the unit owners and of the association held by or controlled by the developer, including but not limited to the following items, if applicable, as to each condominium operated by the association or as to the cooperative.

(a) The original, a certified copy or a photocopy of the recorded declaration of condominium; if a photocopy is provided, the same shall reflect the recording information and shall be certified by affidavit by the developer or officer or agent of the developer as being a true and complete copy of the actual recorded declaration; the association articles of incorporation, if it be an incorporated association; bylaws; minute books and other corporate books and records of the association, if any; the cooperative documents; and any house rules and regulations which may have been promulgated.

(b) Resignations of officers and members of the board of administration who may be required to resign for reason of the requirement that the developer relinquish control of the association.

(c) An accounting or accountings for association funds. The developer shall be liable to the association for all of the funds of the association that are not properly expended and which were collected during the period of time that the developer controlled the board of administration of the association.

(d) Association funds or control thereof.

(e) All tangible personal property that is represented by the developer to be part of the common elements or cooperative property, or that is ostensibly part of the common elements or cooperative property, or that is property of the association, and inventories of these properties.

(f) A copy of the plans and specifications utilized in the construction of improvements and the supplying of equipment to the condominium or cooperative and for the construction and installation of all mechanical components serving the improvements and the site, with a certificate in affidavit form of the developer or of his agent or of an architect or engineer authorized to practice in this state that such plans and specifications represent to the best of their knowledge and belief the actual plans and specifications utilized in and about the construction and improvement of the condominium or cooperative property and for the construction and installation of the mechanical components serving the improvements. In the event that the condominium or cooperative property shall have been declared a condominium or cooperative more than three (3)

years after the completion of the construction of the improvements, then the requirements of this subsection (f) shall not apply. If, however, the improvements on the condominium or cooperative property submitted to condominium or cooperative form of ownership shall have been remodeled within three (3) years prior to the date of the creation of condominium or cooperative, then the requirements of this paragraph (f) shall apply to the plans and specifications utilized in and about the remodeling.

(g) Insurance policies.

(h) Copies of any certificates of occupancy which may have been issued within one (1) year of the date of creation of the condominium or cooperative.

(i) Any other permits issued by governmental bodies applicable to the condominium or cooperative property and which are currently in force or were issued within one (1) year prior to the date upon which the unit owners other than the developer took control of the association.

(j) Written warranties of the contractor, subcontractors, suppliers and manufacturers that are still effective.

(k) A roster of unit owners and their addresses and telephone numbers, if known, as shown on the developer's records.

(l) Leases of the common elements, or in which the association is lessor or lessee.

(m) Employment contracts in which the association is one of the contracting parties.

(n) Service contracts in which the association is one of the contracting parties or service contracts in which the association or the unit owners have directly or indirectly on obligation or responsibility to pay some or all of the fee or charge of the person or persons performing the services.

(o) Other contracts in which the association is one of the contracting parties.

(5) Any grant or reservation made by a declaration or cooperative documents, lease or other documents, and any contract made by an association prior to assumption of control of the association by unit owners other than the developer, that provides for operation of a condominium or cooperative or for maintenance, management, or operation of condominium or cooperative property or of property serving the unit owners of a condominium or cooperative shall be fair and reasonable, and may be canceled by unit owners other than the developer under the following circumstances:

(a) If the association operates only one (1) condominium or a cooperative and the unit owners other than the developer have assumed control of the association, or if unit owners other than the developer own not less than seventy-five percent (75%) of the units in the condominium, the cancellation shall be by concurrence of the owners of not less than seventy-five percent (75%) of the units other than the units owned by the developer. If a grant, reservation or contract is canceled under this provision and the unit owners other than the developer have not assumed control of the association, the association shall make a new contract or otherwise provide for maintenance, management or operation in lieu of the canceled obligation at the direction of the owners of not less than a majority of the units in the condominium or cooperative other than the units owned by the developer.

(b) If the association operates more than one (1) condominium and the unit owners other than the developer have not assumed control of the association, and if unit owners other than the developer own not less than seventy-five percent (75%) of the units in a condominium operated by the association, any such grant, reservation or contract for maintenance, management or operation of buildings containing the units in that condominium or of improvements used only by unit owners of that condominium, may be canceled by concurrence of the owners of not less than seventy-five percent (75%) of the units in the condominium other than the units owned by the developer; but no grant, reservation or contract for maintenance, management or operation of recreational areas or any other property serving more than one condominium may be canceled except as elsewhere provided after the unit owners other than the developer have assumed control of the association. If a grant, reservation or contract is canceled under this

provision, the association shall make a new contract or otherwise provide for maintenance, management or operation in lieu of the canceled obligation at the direction of the owners of not less than a majority of the units in the condominium other than the units owned by the developer.

(c) If the association operates more than one (1) condominium and the unit owners other than the developer have assumed control of the association, the cancellation shall be by concurrence of the owners of not less than seventy-five percent (75%) of the total number of units in all condominiums operated by the association other than the units owned by the developer.

(d) If a condominium or cooperative project contains more than one (1) condominium or cooperative and they are operated by more than one (1) association, no such grant, reservation or contract for maintenance, management or operation of a recreational area or any other property serving more than one (1) condominium or cooperative may be canceled until unit owners other than the developer have assumed control of all of the associations operating the condominiums or cooperatives that are to be served by the recreational area or other property, after which such cancellation may be effected by concurrence of the owners of not less than seventy-five percent (75%) of the total number of units in those condominiums or cooperatives other than the units owned by the developer.

(e) Any grant or reservation made by a declaration or cooperative document, lease or other document, and any contract made by an association prior to assumption of control of the association by unit owners other than the developer shall be fair and reasonable.

711.68 Sales and leases; generally.—

(1) No person shall be denied the right to purchase or lease a unit because of race, religion, sex or national origin; nor shall any advertising be permitted that indicates such denial.

(2) If a building is converted from a rental operation to condominium or cooperative ownership, each tenant of the building shall have the right to extend an expiring lease or tenancy upon the same terms for a period that will expire no later than one hundred twenty (120) days after the mailing of a notice of the intended conversion to the tenant, providing, however, that any tenant must give notice to the developer of his intention to extend his lease as permitted in this subsection (2) not later than thirty (30) days after the mailing of the notice of the intended conversion to the tenant.

(3) It is the policy of this state that provisions of contracts, leases or other undertakings which allow landlords or developers at their option to cancel and terminate the term of such leases upon the conversion of the property and improvements to condominium or cooperative form and upon short notice to the tenant, to be unenforceable and against public policy. Therefore, any provision in any contract, lease or undertaking executed after the effective date of this act which provides for the early cancellation or early or advanced termination of the term of any lease for an apartment or other residence at the option of the landlord or developer for reason of its intended conversion to condominium or cooperative form of ownership, shall be unenforceable except in the following cases:

(a) If the lease shall provide for a notification to the tenant of a minimum of one hundred fifty (150) days notice before such cancellation or termination shall become effective; or,

(b) If the term of the lease has less than one hundred fifty (150) days remaining after such notification is given; or,

(c) If the lease grants the tenant therein an option to purchase the apartment or other residence in which he resides at some substantially preferred rate, which option is exercisable by the tenant during a period of not less than ninety (90) days of the mailing of a notice of the intended conversion to the tenant by certified mail; or,

(d) If the lease provides that the lessor or developer shall not convert to condominium or cooperative format except with the consent of the tenants of not less than sixty (60%) percent of the apartments or other dwellings in the buildings intended

to be converted. For the purpose of this vote, unoccupied apartments or dwellings shall be counted and the developer or lessor may vote those apartments; or,

(e) If the lease shall provide for a notification to the tenant which does not meet the requirement of paragraph (3)(a) above, and if the term of the lease has more than one hundred fifty (150) days remaining after such notification is given, such notification to the tenant of early cancellation or early or advanced termination of the term of the lease may nevertheless be effective if the notice provides that the lease notwithstanding, the tenant shall have one hundred fifty (150) days before such cancellation or termination shall become effective, or a longer period of time if the developer or landlord shall so provide in the notice.

(f) Leases executed subsequent to the announced intention of the developer or landlord to convert to a condominium or cooperative format may contain provisions for the early or advanced termination of the term of such leases or the early cancellation of such leases upon not less than sixty (60) days notice to the tenant, providing that the lease shall conspicuously disclose the fact that it is the landlord's or developer's intention to convert the property containing the leased premises to a condominium or cooperative form of ownership, and that the lease may be cancelled upon as little as sixty (60) days notice to the tenant of the landlord or developer's exercise of the right of cancellation.

(g) Whenever in this subsection (3) a notice to a tenant shall be required to be given, said notice shall be deemed given when deposited in the United States mail addressed to the tenant at his last known residence (which may be the address of the property subject to the lease) sent by certified or registered mail with sufficient prepaid postage affixed to carry it to its destination.

(h) Except in the cases provided for in paragraphs (3)(b) and (3)(d) above, the provisions of and rights granted in subsection (2) shall not apply.

(4) Notice as provided herein shall be non-waivable to each tenant in the building to be converted unless the tenant's leasehold agreement clearly states that the building is to be so converted.

711.69 Sales and leases; disclosure materials—prospectus or offering circulars.—

Before a developer offers residential condominium or residential cooperative parcels for sale, or for lease for an unexpired term of more than five (5) years, in a residential condominium or residential cooperative containing more than twenty (20) residential units, or in a group of residential condominiums or residential cooperatives containing more than twenty (20) residential units that will be served by property to be used in common by unit owners of more than one condominium or cooperative, the developer shall prepare a prospectus or offering circular in addition to such other circulars, bulletins or disclosure materials as are required by this chapter, all of which together are defined as disclosure materials, concerning each condominium or cooperative in which units are offered. The materials may, at the developer's option, include the required information pertaining to more than one (1) condominium or cooperative, or the developer may prepare separate disclosure material for one or more condominiums or cooperatives, notwithstanding the fact that units in the condominiums or cooperatives for sale or lease are not all being offered for sale or lease at the time of preparation of the documents or of their distribution. The prospectus or offering circulars shall contain so much of the following described information as is applicable in outline, summary or question and answer form.

(1) A caveat on the first page in bold-faced type or capital letters no smaller than the largest type on the page in the following words: **ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER. FOR CORRECT REPRESENTATIONS REFERENCE SHOULD BE MADE TO THIS PROSPECTUS (OFFERING CIRCULAR) AND ITS EXHIBITS.**

(2) A brief description of the condominium or cooperative which shall include but not be limited to the following information:

(a) Name and location.

(b) Maximum number of units that will use facilities in common with the subject condominium or cooperative. The prospectus or offering circular may reflect that the maximum number of units will vary in accordance with a stated formula in which the developer agrees to expend a stated minimum amount in dollars on a per unit basis for additional recreational facilities, or enlargement of such facilities, and providing the addition or enlargement of such facilities when produced does not result in a substantial increase of the maintenance expense or rental expense (if any) to each unit owner, unless the amount of that increase and limitations thereon are disclosed and set forth with particularity.

(3) A statement as to whether the developer's plan includes a program of leasing units rather than selling them. With respect to units which are being offered and sold subject to a lease, the number and identification of the units shall be set forth with particularity and a statement in bold-faced type or capital letters no smaller than the largest type in the context where used, in substantially the following form, shall be included: **THESE UNITS WILL BE TRANSFERRED SUBJECT TO A LEASE THAT EXPIRES _____ AND THE LESSEE'S INTEREST WILL TERMINATE ON THE EXPIRATION OF THE LEASE.** In lieu of identifying the units which will be sold subject to a lease and including the foregoing required statement in the disclosure materials, the developer may include a statement, conspicuously displayed, in the first page of the purchase agreement for a unit being sold subject to a lease, which shall be in bold-faced type or capital letters no smaller than the largest type used in the text of the first page of the purchase agreement, in substantially the following form: **THIS UNIT WILL BE TRANSFERRED SUBJECT TO A LEASE THAT EXPIRES _____ AND THE LESSEE'S (UNIT OWNER'S) INTEREST WILL TERMINATE UPON EXPIRATION OF THE LEASE.**

(4) A description of the condominium or cooperative, which shall include but not be limited to the following information:

(a) Schedule of buildings showing the number of units in each building and the number of bedrooms and bathrooms in each unit, which designation shall not be deemed to preclude rooms in a given unit from being combined or to prevent or require the use of any specific room in any manner which is otherwise lawful and permitted, nor the conversion of any such room into a bedroom or to another use.

(b) Total number of units, which shall not prevent nor prohibit the combining of two or more units into one unit, or if combined, the severance of those units into their component parts.

(c) Reference to the volume and page of the condominium or cooperative documents in which can be found a copy of a survey or site plan of the condominium or cooperative showing the location of all residence buildings and recreational and other facilities used only by the unit owners of the condominium or cooperative. If this survey or site plan does not designate the portions of such property that are owned by unit owners or the association and the portions that are owned by others, a copy of a sketch of the plot plan showing this information shall be an exhibit to the prospectus or offering circular.

(d) Estimated latest date of completion. In lieu of including the latest date of completion of a given condominium or cooperative in the prospectus or offering circular, the developer may include that information in the purchase agreement in which case there shall be included in the prospectus or offering circular a statement to the effect that the estimated date of completion of the building or buildings contained within the condominium or cooperative is set forth in the purchase agreement and a reference to the article or paragraph in which that information is contained.

(5) A description of the recreational and other commonly used facilities that will be used only by unit owners of the condominium or cooperative, including but not limited to the following information:

(a) A description of each room as to its intended purposes, location, approximate floor area and capacity. This statement or description shall not prohibit the association when controlled by other than developer from changing usages or purposes, or from modifying such rooms as permitted under the declaration, bylaws or cooperative documents.

(b) Description of each swimming pool as to its general location, approximate pool size and depths, approximate deck size and capacity, and whether heated.

(c) Description of additional facilities as to the number of each facility, its approximate location, approximate size and approximate capacity.

(d) A general description of the items of personal property and the approximate number of each item of personal property that the developer is committing to furnish for each room or other facility, or in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(e) The approximate capacity (in numbers of people) that can reasonably be expected to be served by each room or other facility at any one time.

(f) The estimated date when each room or other facility will be available for use by the unit owners.

(g) An identification of each room or other facility that will not be owned by the unit owners or the association, and a reference to the volumes and pages or paragraph numbers of the condominium or cooperative documents and of the exhibits to the prospectus or offering circulars at which a copy of each lease or other document providing for use of such facilities can be found.

(h) The length of the term of such lease or other document.

(i) The rent payable directly or indirectly by each unit owner and the total rent payable to the lessor under each of such leases stated in monthly and annual amounts, as well as in amounts payable at times stated in the leases.

(j) A description of any option to purchase the property leased under any such lease as to the time the option may be exercised, the purchase price, the manner of computing the same, the manner of payment, and whether the option may be exercised for a unit owner's share or only as to the entire leased property.

(k) The developer may provide that additional facilities not legally described as required above may be added to the condominium or cooperative property or constructed thereon, by indicating the general location, the various types of facilities that may be involved, improvements that may be made or changes that may be made, the approximate dollar amount the developer intends to expend in providing such additional or modified facilities, and a fair estimate of the maximum additional common expense or cost to the individual unit owners that may fairly be anticipated to be experienced by the unit owners during the first annual period of operation of the modified or added facilities.

(l) Description as to locations, areas, capacities, numbers, volumes or sizes may be stated as approximations or minimums, provided that the facilities when produced nevertheless substantially conform to such approximations and meet or exceed such minimums.

(6) A description of the recreational and other facilities that will be used in common with other condominiums or cooperatives when the use or payment of the maintenance and expenses of such facilities either directly or indirectly by the unit owners is a mandatory condition of unit ownership, which description shall include but not be limited to the following information:

(a) A general description of each building and other facility and their general location, if committed to be built.

(b) A statement as to what facilities are not committed to be built except under certain conditions and a statement of those conditions or contingencies.

(c) The approximate year in which each facility will be available for use by the unit owners, or in the alternative, the maximum number of unit owners in the project at the time each or all of the facilities is committed to be completed.

(d) As to any facility committed to be built, a description of each room as to general purpose, approximate location, minimum floor area and approximate capacity. As to any pool facility committed to be built, a description of each swimming pool as to approximate location, minimum pool size and depth, approximate deck size, approximate pool capacity (in number of people) and whether heated.

(e) As to any facilities not committed to be built, but which may be committed to be built upon the happening of contingencies as set forth in accordance with the requirements of subsection (6)(b), a description of such additional facilities as to the minimum number of each facility, the nature of the facility, its approximate location and its approximate capacity. Alternatives may be stated.

(f) A general description of the items of personal property and the approximate number of each item of personal property that the developer is committing to furnish for each room or other facility, or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(g) A statement as to each facility committed to be built, or which will be committed to be built upon the happening of one of the contingencies identified in accordance with the provisions of subsection (6)(b) describing whether it will be owned by the unit owners having the use thereof or by an association or other entity which will be controlled by them, or others; and a cross reference to the location in disclosure materials or among the exhibits to the prospectus or offering circulars in which the lease or other document providing for such of those facilities as are included thereunder or will be included thereunder can be found.

(h) The length of the term of each of such leases or other documents.

(i) The rent payable under each of such leases directly or indirectly by each unit owner that ultimately may use the facilities, except that if the rent is a common expense of the association, the rent payable by the association shall be stated and the rent payable by each unit as part of the common expense due from the unit may be stated as an average for each unit in a condominium or a cooperative in that association, stated in monthly and annual amounts, as well as in the amounts payable at the times stated in the leases.

(j) A description of any option to purchase the property leased under any such lease as to the time the option may be exercised, the purchase price or the formula for ascertaining the purchase price, the manner of payment, and whether the option may be exercised for a unit owner's share or only as to the entire leased property.

(k) Description as to locations, areas, capacities, numbers, volumes or sizes may be stated as approximations or minimums, provided that the facilities when produced nevertheless substantially conform to such approximations and meet or exceed such minimums.

(7) If the condominium or cooperative is part of a phase project subject to the provisions of Section 711.64 and for which a developer's commitment is required, there shall be stated that the condominiums or cooperatives are part of a phase development and that there is a developer's commitment to phase development attached to the prospectus or offering circulars as an exhibit, or otherwise required to be distributed to the buyer. The developer's commitment to phase development shall be, whenever it is required under Section 711.64, part of the disclosure materials required to be distributed to prospective buyers.

(8) The following information shall be supplied concerning the improvements if the condominium or cooperative is created by conversion of an existing building:

(a) Date and type of construction.

(b) Description of prior use.

(c) A statement as to the condition of the roof, mechanical, electrical, plumbing and structural elements, which statement shall be substantiated by attaching a copy of a certificate of a registered architect or engineer.

(d) A statement as to whether there is termite damage and that termite infestation, if any, has been properly treated. The statement shall be substantiated by attaching a copy of an inspection report by a certified pest control operator.

(e) A caveat that there are no warranties unless they are expressly stated in writing by the developer.

(9) Reference to the volumes and pages or paragraph numbers of the condominium or cooperative documents and of the disclosure materials containing provisions relating to control by

any person other than unit owners, of the association, of any part of the condominium or cooperative property, or of any property that will be used by the unit owners that is not part of the condominium or cooperative property (for which the expenses of maintenance, upkeep, operation or fees for use are paid by the unit owners directly or indirectly as a mandatory condition of unit ownership) that are contained in the cooperative documents or the declaration, articles of incorporation or bylaws, constitution of the association, if any, any lease of the condominium or cooperative property or any other property serving the unit owners, and any form of proposed lease of condominium or cooperative parcels if the offer is of a leasehold.

(10) A summary of the restrictions, if any, concerning the use of condominium or cooperative parcels, particularly as to whether and to what extent there are restrictions upon children and pets, and reference to the volumes and pages of the condominium or cooperative documents at which such restrictions are found.

(11) If there is any land that is offered by the developer for use by the unit owners that is neither owned by them nor leased to them or to the association, or to an entity controlled by condominium or cooperative unit owners and other persons having the use rights to such land, a statement shall be made as to whether such land will serve the condominium or cooperative. If any part of such land will serve the condominium or cooperative, the statement shall describe the land and the nature and term of service and the declaration or other instrument creating such servitude shall be part of the disclosure materials and shall be an exhibit to the prospectus or offering circular.

(12) The manner in which needs for utility and other services will be met, including but not limited to sewage and waste disposal, water supply and storm drainage.

(13) The arrangements for management of the association and maintenance and operation of the condominium or cooperative property and of other property that will serve the unit owners of the condominium or cooperative property as a mandatory condition of unit ownership, and a description of each contract for these purposes having a service period in excess of one (1) year, as to the following information:

(a) Names of contracting parties.

(b) Term of contract.

(c) Nature of services included.

(d) Compensation stated on a monthly and annual basis and provisions for increases in the compensation.

(e) Reference to the volumes and pages of the condominium or cooperative documents and of the exhibits to the prospectus containing copies of such contracts.

(f) For the purpose of this subsection (13) a contract shall be deemed to have a term of service in excess of one (1) year if it is renewable without the consent of the association.

(14) An explanation of the manner in which the apportionment of common expenses and ownership of the common elements or cooperative property has been determined.

(15) An estimated operating budget for the condominium or cooperative and the association and a schedule of unit owner's expenses shall be an exhibit to the prospectus and shall contain the following information:

(a) Estimated monthly and annual expense of the condominium or cooperative and the association that is collected from unit owners by assessments.

(b) Estimated monthly and annual expenses of each unit owner on account of his unit for assessments payable to the association, for items of expense that are payable by the unit owner to persons or entities other than the association, and the total estimated monthly and annual expense. There may be excluded from this estimate items of expense that are personal to unit owners or which are not uniformly incurred by all unit owners or which are not provided for nor contemplated by the condominium or cooperative documents, including but not limited to private telephone costs, costs of maintenance of the interior of condominium or cooperative units to the extent that such maintenance is not the obligation of the association, the costs of maid or janitorial services privately contracted for

by the unit owners, cost of utility bills billed directly to each unit owner for utility services or supply to his unit, insurance premiums other than those incurred in respect of policies obtained by the condominium or cooperative association and applicable to the condominium or cooperative property in general, debt servicing upon any mortgage encumbering the individual unit but not encumbering the condominium or cooperative property as a whole, and like personal expenses of the unit owner may be excluded. A unit owner's estimated payments for assessments shall also be stated in the estimated amounts for the times when they will be due.

(c) The estimated items of expense of the condominium or cooperative and the association and, except as excluded under subparagraph (b), of the unit owners shall include but not be limited to the following items, which shall be stated either as an association expense collectible by assessments or as unit owners' expenses payable to others than the association:

1. Expenses for the association and condominium or cooperative:

- a. Administration of the association.
- b. Management fees.
- c. Maintenance.
- d. Rent for recreational and other commonly used facilities.
- e. Taxes upon association property.
- f. Taxes upon leased areas.
- g. Insurance.
- h. Security provisions.
- i. Other expenses.
- j. Operating capital.
- k. Reserve for deferred maintenance.
- l. Reserve for depreciation.
- m. Other reserves.

2. Expenses for a unit owner:

- a. Rent for the unit if subject to a lease.
- b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used facilities, which use and payment is a mandatory condition of ownership and which rent is not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

(d) The estimated amounts shall be stated for the period which need not exceed the first annual accounting period prior to the time unit owners other than the developer elect a majority of the board of administration and also for the period after that date which need not exceed an annual accounting period, if that date can be reasonably ascertained at the time of the publication of the disclosure material applicable to that association or that condominium or cooperative. If that date cannot reasonably be ascertained at the time of publication of the disclosure materials applicable to the condominium or cooperative or association involved, there shall appear immediately preceding the beginning or at the end of the budgetary material a statement in bold-faced type or capital letters at least as large as the text contained on the page in substantially the following form: **DEVELOPER MAY BE IN CONTROL OF THE BOARD OF ADMINISTRATION OF THE CONDOMINIUM (OR COOPERATIVE) DURING THE PERIOD OF OPERATION FOR WHICH THIS BUDGET HAS BEEN RENDERED.**

(16) A schedule of estimated closing expenses to be paid by a buyer or lessee of a unit, and advice as to whether a guaranteed title opinion or title insurance policy will be furnished at the expense of the developer.

(17) The identity of the developer and the chief operating officer or principal directing the creation and sale of the condominium or cooperative and a statement of its and his experience in this field.

(18) The developer shall provide, as part of the disclosure materials, as an exhibit to the prospectus or offering circular,

a separate document which shall be entitled: **IMPORTANT MATTERS TO BE CONSIDERED IN ACQUIRING A CONDOMINIUM (COOPERATIVE) UNIT.**

(a) This document shall on its cover page, in addition to its title hereinabove required, identify the condominium project, the developer offering the units for sale, the condominium (cooperative) buildings and phases to which the document is applicable, and then the following information which shall commence not later than the second page of said document:

1. A statement in bold-faced type or capital letters describing whether the condominium or cooperative is created and being sold on fee simple interests or on leasehold interests. If the condominium or cooperative is created or being sold on a leasehold interest, reference shall be made to the articles, paragraphs or pages in the disclosure materials in which a description of the lease shall be found.

2. If any recreation facilities or other facilities offered by the developer and available to or to be used by unit owners are on lease or club format, a statement in bold-faced type or capital letters shall be included in substantially the following form: **THERE IS A RECREATION FACILITIES LEASE ASSOCIATED WITH THIS CONDOMINIUM (COOPERATIVE);** or **THERE IS A CLUB MEMBERSHIP FORMAT ASSOCIATED WITH THIS CONDOMINIUM (COOPERATIVE).** Immediately following the appropriate statement there shall be a reference to the articles, paragraphs or pages in the disclosure materials where the recreation leases or other formats are described in detail.

3. If as a mandatory condition of unit ownership unit owners must pay a fee, rent, dues or other charges under a recreation facilities lease or club format associated with the use of recreation facilities or other facilities to be used by unit owners, then there shall be a statement in bold-faced type or capital letters in substantially one of the following forms, reflecting the applicable situations: **MEMBERSHIP IN THE RECREATION FACILITIES CLUB IS MANDATORY FOR UNIT OWNERS;** or, **UNIT OWNERS ARE REQUIRED AS A CONDITION OF SUCH OWNERSHIP TO BE LESSEES UNDER THE RECREATION FACILITIES LEASE;** or, **UNIT OWNERS WILL BE REQUIRED TO PAY THEIR SHARE OF THE COSTS AND EXPENSES OF MAINTENANCE, MANAGEMENT, UPKEEP, REPLACEMENT, RENT AND FEES CALLED FOR UNDER THE RECREATION FACILITIES LEASE OR THE OTHER INSTRUMENTS PROVIDING THE RECREATION FACILITIES AS A MANDATORY CONDITION OF UNIT OWNERSHIP;** or a similar statement clearly expressing the nature of the organization or manner in which the use rights are created and the fact that unit owners' participation therein is mandatory. Immediately following the applicable statement, there shall appear a reference to the articles, paragraphs or pages in the disclosure materials where the format is described in detail.

4. If the developer or any other persons, other than the association, associations or homeowners' or similar association whose membership is composed solely of unit owners and other persons having use rights in the facilities, shall reserve to itself or themselves or be entitled to receive a rent, fee or other payment in respect of the use of the facilities (which payment or fee is in the nature of a reserved rent or a land use fee), then a statement in bold-faced type or capital letters in substantially the following form shall be included: **THE UNIT OWNERS OR THE ASSOCIATION(S) WILL PAY RENT OR LAND USE FEES FOR RECREATION OR OTHER COMMONLY USED FACILITIES.** Immediately following this statement there shall appear a reference to the articles, paragraphs or pages in the disclosure materials where the rent or land use fees are set forth or described in detail.

5. If in any recreation format, whether leasehold, club or other, a person or persons other than the association shall have the right to a lien on the units to secure the payment of assessments, rent or other exactions reserved in such leases or otherwise called for under the applicable format, then there shall appear a statement in bold-faced type or capital letters in substantially the following form: **THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF RENT AND OTHER EXACTIONS UNDER THE RECREATION LEASE AND THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN;** or, **THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF ASSESSMENTS OR OTHER EXACTIONS**

COMING DUE FOR THE USE, MAINTENANCE, UPKEEP OR REPAIR OF THE RECREATION OR COMMONLY USED FACILITIES. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN. Immediately following the applicable statement, there shall appear a reference to the documents, articles, paragraphs or pages in the disclosure materials where the lien or lien right is set forth or described in detail.

6. If the developer or any other person shall have the right to increase or add to the recreation facilities at any time after the establishment of the condominium(s) or cooperative(s) whose unit owners have use rights therein without the consent of the unit owners or associations being required, then there shall appear a statement in bold-faced type or capital letters in substantially the following form: **RECREATION FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION(S)**. Immediately following this statement, there shall be a reference to the documents, articles, paragraphs or pages in the disclosure materials where a description of such reserved rights may be found or is set forth.

7. If there is a contract for the management of the condominium or cooperative property, then a statement in bold-faced type or capital letters in substantially the following form shall appear, identifying the proposed or existing contract manager: **THERE IS (IS TO BE) A CONTRACT FOR THE MANAGEMENT OF THE CONDOMINIUM (COOPERATIVE) PROPERTY WITH (NAME OF THE CONTRACT MANAGER)**. Immediately following this statement, there shall appear a reference to the documents, articles, paragraphs or pages in the disclosure materials where the contract for management of the condominium or cooperative property is set forth or described in detail.

8. If the developer or any other person or persons other than the unit owners has the right to retain control of the board of administration of the association for a period of time which can exceed one (1) year after the closing of the sale of a majority of the units in that condominium or cooperative to persons other than successor or alternate developers, then a statement in bold-faced type or capital letters in substantially the following form shall be included: **THE DEVELOPER (OR OTHER PERSONS) HAS THE RIGHT TO RETAIN CONTROL OF THE ASSOCIATION AFTER A MAJORITY OF THE UNITS HAVE BEEN SOLD**. Immediately following this statement, there shall appear a reference to the documents, articles, paragraphs or pages in the disclosure materials where this right to control is set forth or described in detail.

9. If there are any restrictions upon the free sale, transfer, conveyance or leasing of a unit, then a statement in bold-faced type or capital letters in substantially the following form shall be included: **THE SALE, LEASE OR TRANSFER OF YOUR UNIT IS RESTRICTED OR CONTROLLED**. Immediately following this statement, there shall appear a reference to the documents, articles, paragraphs or pages in the disclosure materials where the restriction, limitation, or control on the sale, lease or transfer of units is set forth or described in detail.

10. A developer shall set forth after all the statements required in this subsection (18) have been included, a statement in substantially the following form which at developers option may be in bold-faced type or capital letters: **THE STATEMENTS SET FORTH ABOVE ARE ONLY SUMMARY IN NATURE. A PROSPECTIVE PURCHASER SHOULD REFER TO ALL REFERENCES AS WELL AS THE ENTIRE SET OF DISCLOSURE MATERIALS AND HIS CONTRACT OR PURCHASE AGREEMENT. ALL DISCLOSURE MATERIALS, CONTRACT DOCUMENTS AND BROCHURE MATERIALS ARE IMPORTANT LEGAL DOCUMENTS AND IF NOT UNDERSTOOD, PROSPECTIVE PURCHASER SHOULD SEEK LEGAL ADVICE.**

(b) In lieu of a separate document, the statements required by this subsection (18) may be included in the developer's offering circular or prospectus, providing that on the cover page of such materials there shall conspicuously appear the statement in bold-faced capital type: **IMPORTANT MATTERS TO BE CONSIDERED IN ACQUIRING A CONDOMINIUM (COOPERATIVE) UNIT ARE SET FORTH COMMENCING ON PAGE TWO OF THIS DOCUMENT**. The information and statements required in this subsection (18) shall then commence on Page 2 (the inside front cover) of such offering circular or prospectus.

(c) No other information except of a title nature shall appear on the page on which the required statements appear after the first such statement until all of the applicable statements and items required in this subsection (18) shall have been set forth. In all cases the particular required statements shall be conspicuously displayed in bold-faced capital type larger than the largest type used in any other text on the pages on which the statements appear.

(d) The conformity of any statement to the particular wording set forth in this subsection (18) shall not be required. Any statement utilized shall be required to clearly and fairly state the information, and the information given must be accurate in all material aspects respecting the units being offered.

(19) A schedule of the exhibits to the prospectus, a copy of each of which shall be delivered with each copy of the prospectus. The schedule shall include but not be limited to copies of such of the following items as are applicable:

(a) Declaration of condominium, or the proposed declaration if the declaration has not been recorded, or the cooperative documents.

(b) Articles of incorporation or charter or constitution of the association, if an incorporated association or if there is a charter or constitution.

(c) Bylaws.

(d) Ground lease or other underlying lease of the condominium or cooperative property.

(e) Management, maintenance and other contracts for management of the association and operation of the condominium or cooperative and facilities used by the unit owners having a service term in excess of one (1) year. Such contracts as are renewable without the consent of the association being required shall be deemed to have a term in excess of one (1) year.

(f) Estimated operating budget for the condominium or cooperative and the required schedule of unit owners' expenses.

(g) Lease or recreational and other facilities that will be used only by unit owners of the subject condominium or cooperative.

(h) Lease of recreational and other common facilities that will be used by unit owners in common with unit owners of other condominiums or cooperatives.

(i) Form of unit lease if the offer is of a leasehold.

(j) Declaration of servitude of properties serving the condominium or cooperative but not owned by unit owners or leased to them or the association.

(k) Developer's commitment to phase development.

(l) The statement of condition of existing building or buildings if the offering is of units in a rental operation being converted to condominium or cooperative ownership.

(m) Statement of inspection for termite damage and treatment as to existing building if the condominium or cooperative is a conversion of a rental operation.

(n) Form of agreement for sale or lease of units.

(20) If the buyer requests the buyer shall be given a copy of the agreement for escrow of payments made to the developer prior to closing, if any such agreement is being used, and/or a copy of the performance and payment bond for completion of the building containing the unit being purchased, if there is such a bond.

(21) Each volume containing one (1) or more than one (1) of the separate documents required to be distributed to prospective buyers as disclosure materials or containing one or more of the items required as exhibits to the prospectus or offering circular, except for the volume containing the document entitled **IMPORTANT MATTERS TO BE CONSIDERED IN ACQUIRING A CONDOMINIUM (COOPERATIVE) UNIT**, required under subsection (18), shall contain beginning with the first page of the volume a table of contents for each of the following documents contained in the volume: cooperative documents or declaration; articles of incorporation or charter or constitution of association; bylaws; and copy of form of lease.

If the statements required under subsection (18) shall be included in a volume of other documents or disclosure materials, that index shall begin on the page immediately succeeding the information required to be included under subsection (18). Each table of contents shall contain in bold-faced type or capital letters no smaller than the largest type in the text material on that page, references to all provisions in the documents to which that table of contents is applicable relating to ownership or control by any person, other than unit owners or an association or entity controlled by them, of any part of the condominium or cooperative property which will be used by the unit owners as a mandatory condition of unit ownership.

(22) If a developer in good faith has attempted to comply with the requirements of this act and, in fact, has substantially complied with the disclosure requirements of this act, non-material errors or omissions in the disclosure materials shall not be actionable.

711.70 Sales and leases; disclosure.—

(1) Before a developer's contract for the sale of a residential unit or for the lease of a residential unit for an unexpired term of more than five (5) years, in a residential condominium or residential cooperative becomes binding upon the buyer, the developer shall deliver to the prospective buyer or lessee a copy of the floor plan of the unit and a copy of the prospectus or offering circular, if required, and if a prospectus or offering circular is not required, then a copy of the applicable items required by subsection 711.69(19).

(2) If a developer contracts for the sale of a unit, or for the lease of a unit for an unexpired term of more than five (5) years, prior to closing the contract may be cancelled at the election of the buyer or lessee by written notice delivered to the developer within fifteen (15) days after the execution of the contract or within fifteen (15) days after the delivery of all the items required to be delivered by the developer under this section, whichever shall be the later date. At the option of the purchaser or lessee, the contract time of closing shall be extended for this fifteen (15) day period that begins with the delivery of all of the items required. The contract shall contain within the text a legend in bold-faced type or capital letters no smaller than the largest type in the text and in words with the following effect: **THE BUYER HAS THE RIGHT AND OPTION TO CANCEL AND TERMINATE THIS AGREEMENT BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN FIFTEEN (15) DAYS OF THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER, OR IF BUYER HAS NOT RECEIVED ALL OF THE ITEMS REQUIRED TO BE DELIVERED TO HIM BY THE DEVELOPER UNDER FLORIDA STATUTES SECTION 711.70(1), THEN AT ANY TIME PRIOR TO FIFTEEN (15) DAYS AFTER THE BUYER RECEIVES THE LAST OF THE ITEMS TO BE DELIVERED TO HIM BY THE DEVELOPER UNDER SAID SECTION 711.70(1) WHICHEVER SHALL BE THE LATER DATE. THE BUYER'S RIGHT TO TERMINATE MUST BE EXERCISED HOWEVER PRIOR TO THE CLOSING. THE CONTRACT TIME FOR CLOSING MAY AT THE OPTION OF THE BUYER BE EXTENDED FOR A PERIOD OF NOT MORE THAN FIFTEEN (15) DAYS AFTER THE BUYER HAS RECEIVED THE LAST OF THE ITEMS REQUIRED TO BE DELIVERED TO HIM BY THE DEVELOPER UNDER SECTION 711.70(1). Voiding of a contract under the provisions of this subsection shall entitle the buyer or lessee to receive repayment of all moneys paid by him under the contract together with interest thereon at the highest rate then being paid upon savings accounts other than certificates of deposit by savings and loan associations in the area in which the unit is located.**

(3) The items required to be furnished to a buyer or lessee under this section shall constitute a part of the contract for sale or lease, and no change may be made in any of the items required to be furnished which would affect materially the rights of the buyer or lessee or the value of the unit without approval of the buyer or lessee.

(4) A contract for sale or lease made by a developer shall include the following provisions in addition to provisions elsewhere required:

(a) A caveat in bold-faced type or capital letters no smaller than the largest type on the page shall be placed upon the first page of the contract in the following words: **ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER. FOR CORRECT REPRESENTATIONS REF-**

ERENCE SHOULD BE MADE TO THIS CONTRACT AND THE DOCUMENTS REQUIRED BY FLORIDA STATUTES SECTION 711.70(1) TO BE FURNISHED BY A DEVELOPER TO A BUYER OR LESSEE.

(b) If the contract is for the sale or transfer of a unit subject to a lease, or if the contract is for a lease rather than a sale, the contract shall contain within the text a statement in bold-faced type or capital letters no smaller than the largest type in the text and in words with the following effect: **THIS CONTRACT IS FOR THE TRANSFER OF A UNIT SUBJECT TO A LEASE THAT EXPIRES _____, AND THE LESSEE'S INTEREST WILL TERMINATE UPON EXPIRATION OF THE LEASE.**

(c) Whether the unit that is the subject of the contract has been occupied.

(d) If the contract is for the sale or lease of a unit that is subject to a lien for rent payable under a lease of a recreational facility or other commonly used facility, the contract shall contain within the text a statement in bold-faced type or capital letters no smaller than the largest type in the text, and in words with the following effect: **THIS CONTRACT IS FOR THE TRANSFER OF A UNIT THAT IS SUBJECT TO A LIEN FOR RENT PAYABLE UNDER A LEASE OF A RECREATIONAL FACILITY, AND FAILURE TO PAY THIS RENT MAY RESULT IN FORECLOSURE OF THE LIEN.**

(5) If condominium or cooperative parcels are offered for sale or lease prior to completion of construction of the units and of improvements of the common elements, or prior to completion of remodeling of an existing building, the developer shall make available to each prospective purchaser or lessee for his inspection at a place convenient to the site a copy of the complete plans and specifications for the unit or remodeling of the unit offered to him and of the improvements of the common elements or common areas appurtenant to the unit.

(6) Sales brochures, if any, describing the condominium or cooperative property and the units to be sold or leased, shall include a description and location of recreation facilities committed to be provided by the developer, parking facilities and other commonly used facilities, together with a statement indicating which of the facilities will be owned by unit owners as part of the common elements or common areas and which of the facilities will be owned by others. A caveat in bold-faced type or capital letters no smaller than the largest type of text material on the page shall be conspicuously placed on the inside front cover, or on the first page containing text material, of the sales brochure, or otherwise conspicuously displayed in the following words: **ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING REPRESENTATIONS OF THE DEVELOPER. FOR CORRECT REPRESENTATIONS REFERENCE SHOULD BE MADE TO THIS BROCHURE AND TO THE DOCUMENTS REQUIRED BY FLORIDA STATUTES SECTION 711.70(1) TO BE FURNISHED BY A DEVELOPER TO A BUYER OR LESSEE.**

(7) If units are sold subject to a lease, or if units are leased rather than sold, all written or printed advertising of the units shall contain a statement in bold-faced type or capital letters no smaller than the largest type in the context where used and in words with the following effect: **THESE UNITS WILL BE TRANSFERRED SUBJECT TO A LEASE.**

711.71 Sales and leases; publication of false or misleading information.—

(1) Any person who, in reasonable reliance upon any material statement or information that is false or misleading published by or under authority from the developer in advertising and promotional materials, including, but not limited to a prospectus, the items required as exhibits to a prospectus, brochures and newspaper advertising, pays anything of value toward the purchase or lease of a condominium or cooperative parcel located in this state shall have a cause of action to rescind the contract or collect damages from the developer for his loss prior to the closing of the transaction. After the closing of the transaction, the purchaser or lessee shall have a cause of action against the developer for damages under this section from the time of closing until one (1) year after the date upon which the last of the events described in paragraphs (a) through (d) shall occur:

(a) The closing of the transaction;

(b) The first issuance by the applicable governmental authority of a certificate of occupancy or other evidence of sufficient completion of construction of the building containing the unit to allow lawful occupancy of the unit. In counties or municipalities in which certificates of occupancy or other evidence of completion sufficient to allow lawful occupancy are not customarily issued, for the purpose of this section, evidence of lawful occupancy shall be deemed given or issued upon the date that such lawful occupancy of the unit may first be allowed under prevailing applicable laws, ordinances, or statutes;

(c) The completion by the developer of the common elements or common areas and such recreational facilities, whether or not the same are common elements or common areas, which the developer is obligated to complete or provide under the terms of the written contract or written agreement for purchase or lease of the unit; or

(d) In the event there shall not be a written contract or agreement for sale or lease of the unit, then the completion by the developer of the common elements or common areas and such recreational facilities, whether or not the same are common elements or common areas, which the developer would be obligated to complete under any rule of law applicable to the developer's obligation. Under no circumstances shall a cause of action created or recognized under this section survive for a period of more than five (5) years after the closing of the transaction.

(2) In any action for relief under this section, the prevailing party shall be entitled to recover reasonable attorney fees.

Section 17. Section 711.72 is created to read:

711.72 Corrections by the association; corrections by the courts; limitations on action.—

(1) Whenever it shall appear that there is an omission or error in a declaration of condominium, cooperative documents, or in other documentation required by law to establish the condominium or cooperative form of ownership as the case may be, the association may correct such error and omission by an amendment to the declaration of condominium or to the cooperative documents or the other documentation required by law, in the manner provided for in the declaration or cooperative documents or other documentation required by law, to effectuate an amendment for the purpose of curing defects, errors or omissions. Such an amendment need not require the same vote of approval of the members of the association as other amendments and such an amendment shall nevertheless be effective when duly passed and approved and recorded among the public records when recordation is required, if property rights of the unit owners are not materially adversely affected. This subsection shall not be deemed restrictive of the powers of the association to otherwise amend the declaration, cooperative documents, or other documentation, but shall be construed to authorize a simple process of amendment requiring a lesser vote for the purpose of curing defects, errors or omissions when the property rights of unit owners are not materially adversely affected.

(2) Whenever it shall appear that there is an omission or error in a declaration of condominium, cooperative documents, or in other documentation required by law to establish the condominium or cooperative form of ownership; as the case may be, the circuit courts of this state for the circuit in which the condominium or cooperative property lies, shall have jurisdiction to entertain petitions of one or more of the unit owners therein, or of the association, to correct the error or omission, and the action may proceed by way of a class action. The court may consider all pertinent matters brought before it in rendering its decision and may require that one or more methods of correcting the error or omission be submitted to the unit owners to determine the most acceptable correction. The court shall correct the error or omission in the exercise of its reasonable discretion upon finding that the corrections shall not substantially interfere with the property rights of any of the unit owners not consenting to the correction, and upon finding that the correction may not be made by ordinary amendment to the declaration or other documentation for reason that the necessary number of unit owners do not, or will not, approve, or for reason that the amendatory process cannot cure the error or omission without unanimous approval by the unit

owners. It shall not be necessary for all unit owners or for the association to be joined as parties to said suit, but all unit owners and the association shall have the right to intervene. Any unit owners not joined and served with process as provided by law shall, nevertheless, be entitled to have mailed to them, by certified mail, return receipt requested, or by registered mail, return receipt requested, at their last known residence address, which may be their unit address, a copy of the petition and a copy of any other pleading or other document which the court may order to be distributed, including but not limited to any rules to show cause issued by the court.

(3) Suit may not be brought subsequent to three (3) years after a condominium declaration is filed of record or a cooperative regime is established, to determine whether the declaration, cooperative documentation or other documentation substantially complies with the mandatory requirements of this chapter for the formation of a condominium or cooperative regime. If suit to determine whether the declaration or other condominium or cooperative documentation is not brought within three (3) years of the filing of the declaration or establishment of a cooperative regime in the applicable case, the declaration, cooperative documentation and other documentation shall be deemed effective under this law to create a condominium regime or cooperative regime, as the case may be, whether or not the documentation substantially complies with the mandatory requirements of this chapter. Nevertheless, both before and after the expiration of this three (3) year period, a circuit court of this state shall have jurisdiction to entertain petitions for the correction of the documentation permitted under subsection (2) above, and other methods of amendment may be utilized to correct such errors or omissions at any time.

Section 18. 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 19. This act shall take effect October 1, 1974; provided however that nothing contained in sections 711.63, other than 711.63(4), and 711.64, Florida Statutes, shall affect:

(a) Rights established by contract for sale of a unit by a developer to a prospective unit owner prior to July 1, 1974.

(b) A condominium or a cooperative as to which rights are established by contract for sale of a unit in the condominium or cooperative by the developer to a prospective unit owner prior to July 1, 1974.

(c) The form of a lease that would be otherwise subject to the requirements of section 711.63, Florida Statutes, if the lease form is established by contract for sale of a unit in any condominium or any cooperative by the developer to a prospective unit owner prior to July 1, 1974, which lease form may be used in the making of all leases of the leased property and as to such other property that may be added to the leased property in accordance with the terms of the lease;

(d) And provided further that if on October 1, 1974 there are less than six remaining unsold units in a condominium or cooperative in which there have been binding contracts for the sale of other units executed prior to October 1, 1974, then the requirements of 711.69, Florida Statutes, shall not be applicable to the sale or offering of such remaining unsold units; and provided further that nothing contained in section 711.65, Florida Statutes, shall affect a condominium or a cooperative as to which rights are established by contracts for sale of ten percent (10%) or more of the units in the condominium or cooperative by the developer to prospective unit owners prior to July 1, 1974, or as to condominium or cooperative buildings on which construction has been commenced prior to July 1, 1974.

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

A bill to be entitled

An act relating to condominiums and cooperative apartments; amending section 711.03(7), (9) and (13), Florida Statutes, and adding new subsections 711.03(3), (12) and (17), to define the terms "boards of administration", "developer" and "residential condominium"; amending section 711.04(1), Florida Statutes, relating to the term "condominium parcel",

to include certain leaseholds within its meaning; amending section 711.06(1)(a), Florida Statutes, relating to the term "common elements" and adding a subsection to accommodate the use of a leasehold and to provide for enlarging of the common elements by amendment to the declaration; amending section 711.08, Florida Statutes, to incorporate the use of certain leaseholds and to provide for the contents of the declaration of creation; amending section 711.10(3), Florida Statutes, relating to amendment of the declaration, to provide that a unit owner's share in common expenses and surplus may not be changed unless the unit owner joins in the amendment; providing for scrivener's error; amending section 711.11(1) and (2), Florida Statutes, to provide for inclusion of certain provisions in the bylaws of a condominium; amending section 711.12, Florida Statutes, to permit an association to operate more than one (1) condominium and to provide certain other powers for condominium associations; repealing section 711.13(4), Florida Statutes, as amended, which relates to cancellation of contracts for maintenance, management, or operation of a condominium; amending section 711.15(6), and adding section 711.15(8), Florida Statutes, relating to assessment liability, to provide protection for certain purchasers at mortgage foreclosure sales; repealing section 711.19(3), Florida Statutes, which relates to the application of homestead exemption from taxation; redesignating section 711.23, Florida Statutes, as section 711.62 and amending said section to provide for obligations for unit owners and associations and penalties for violations; repealing section 711.24, Florida Statutes, which relates to full disclosure prior to sale; redesignating section 711.25, Florida Statutes, as section 711.67, Florida Statutes, and amending said section to provide for escrow accounts and the use of proceeds from sale of condominiums and cooperative apartments prior to closing; repealing sections 711.30, 711.31 and 711.32, all Florida Statutes, which relate to maintenance, disclosure prior to sale, and deposits for cooperative apartments; creating sections 711.41, 711.42, 711.43, 711.44, 711.45, 711.46 and 711.47, Florida Statutes, relating to cooperative apartments; providing for cooperative parcels, appurtenances, possession, and enjoyment; providing for bylaws; providing for cooperative associations; providing for common expenses and common surplus; providing for assessments and liabilities; creating sections 711.61, 711.63, 711.64, 711.65, 711.66, 711.68, 711.69, 711.70, 711.71 and 711.72, Florida Statutes, relating to creation, sale and lease of condominiums and cooperative apartments; providing for contents of leases; providing for enforcement of liens for rent; providing that the terms and conditions of lease on common elements shall be disclosed; providing option to purchase the leased property; providing for completion of phase projects; providing warranties at sale; providing for transfer of association control; providing for contents of prospectuses; providing for disclosure; providing for publication of false or misleading information; providing for corrections by the associations or courts; providing a severability clause; providing an effective date.

On motion by Senator Trask, by two-thirds vote the Conference Committee Report was read the second time.

On motion by Senator Trask the report of the Conference Committee as an entirety was adopted, HB 2155 passed as recommended and was certified to the House. The vote was:

Yeas—31

Mr. President	Henderson	Pettigrew	Vogt
Deeb	Johnston	Poston	Ware
Firestone	Lane (31st)	Saunders	Weber
Gillespie	Lane (23rd)	Sayler	Williams
Glisson	Lewis	Sims	Wilson
Gordon	McClain	Smathers	Winn
Graham	Myers	Stolzenburg	Zinkil
Gruber	Peterson	Trask	

Nays—None

By unanimous consent Senators Gallen and Sykes were recorded as voting yea.

Explanation of Vote

It is my opinion that this legislation is badly needed to preserve the image of the State of Florida and to protect the

health, safety and general welfare of its citizens. The law could be improved. However, last year, condominium reform was lost because it was delayed. I feel it would be ill-advised to reject the conference committee report on the chance that a new conference committee would make favorable adjustments within the one week remaining in this session. So late in the legislative session such a delay could be fatal to the bill.

Although this bill could be improved by total abolition of recreation leases—the original House position—it is my feeling that it is a good bill, correcting most of the abuses of the condominium industry and the major problems of condominium ownership. The bill has stringent warranty and disclosure provisions, provides new rights of action for the association and unit owners (individually and as a class), further restricts use of deposits in construction, further restricts management contracts, and brings condominium operation into the sunshine. Moreover, recreation and other leases are dealt with: future leases will include an option for the unit owners to purchase the facilities; during litigation involving any lease—existing or future—rent may be withheld and placed in the registry of the court until the issues are resolved. All leases as well as other contracts entered into before unit owners other than the developer control the association are required to be fair and reasonable. In addition, the directors of the association—even directors controlled by the developer—are fiduciaries of the unit owners and their acts and contracts must be viewed in that context.

George Firestone, 36th District

The Senate resumed Special Order.

Consideration of SB 1110 was deferred.

CS for HB 2802—A bill to be entitled An act relating to prescription drugs; creating §465.30, Florida Statutes; providing for substitution of generic and brand name drugs; requiring statement on prescription form; providing an effective date.

—was read the second time by title.

The Committee on Health and Rehabilitative Services offered the following amendment which was moved by Senator Brantley and adopted:

Amendment 1—On page 1, line 12, strike all after the enacting clause and insert: Section 1. Section 465.30, Florida Statutes, is created to read:

465.30 Substitution of drugs; notice thereof.—

(1) In any community pharmacy, when approval is given as provided in Subsection (3) of Section 465.30, Florida Statutes, a pharmacist may substitute a less expensive generic or less expensive brand name drug of the same active ingredient or ingredients, dosage form and strength, for any drug prescribed by a practitioner licensed to prescribe medicinal drugs, provided that the practitioner's approval of the drug substituted is obtained should the practitioner indicate such an intent on the prescription form.

(2) Every community pharmacy shall display in a prominent place that is in clear and unobstructed public view at or near the place where prescriptions are dispensed, a sign in block letters not less than one inch in height, which shall read: "CONSULT YOUR PHYSICIAN CONCERNING THE AVAILABILITY OF THE LEAST EXPENSIVE DRUG FOR YOUR USE."

(3) Every written prescription issued by a practitioner licensed in Florida shall include on its face the following phrase:

Substitution allowed.....(Practitioner's initials)

Prior approval required.....(Insert initials PA)

If the physician authorized substitution, the pharmacist may substitute a less expensive medication in accordance with subsection (1) of this section. In the event of substitution by the pharmacist, written or verbal verification of such substitution shall be provided for the physician within a reasonable period of time.

Section 2. This act shall take effect upon becoming a law.

Senator Glisson moved the following amendment which failed:

Amendment 2—On page 2, line 13, insert: Section 2. The provisions of section 1 shall become effective upon adoption of appropriate regulations by the board in accordance with the provisions of Chapter 120, Florida Statutes.

Re-number remaining section

The Committee on Health and Rehabilitative Services offered the following amendment which was moved by Senator Brantley and adopted:

Amendment 3—On page 1, strike all of lines 3 through and including line 8 and insert: A bill to be entitled An act relating to prescription drugs; creating §465.30, Florida Statutes; providing for substitution of generic and brand name drugs; providing an effective date.

On motion by Senator Brantley, by two-thirds vote CS for HB 2802 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

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

Nays—1

Lane (31st)

By unanimous consent Senator Sayler was recorded as voting yea.

Senator Henderson moved that the Senate reconsider the vote by which CS for CS for HB 1739 (cs) as amended failed to pass May 22.

Senator Barron presiding.

SB 1110—A bill to be entitled An act relating to homestead exemption; amending §196.031(3) and (4), Florida Statutes, 1973, to extend the additional exemption provided in subsection (3) for persons over sixty-five (65) to ad valorem taxes levied by all local taxing authorities and to increase the exemption provided by §196.031(1), Florida Statutes, as to totally and permanently disabled persons; providing for a maximum combined exemption under §§196.202 and 196.031, Florida Statutes; creating §196.032, Florida Statutes, providing replacement revenues through a trust fund; adding subsection (4) to §196.011, Florida Statutes, 1973, relating to annual application requirement; amending §196.197, Florida Statutes, 1973, relating to exemption of property used by hospitals and similar institutions, to remove the limitation of its application to levies for school operating purposes; repealing chapter 74-11, Laws of Florida, relating to homestead exemption; providing an effective date.

—was read the second time by title. On motion by Senator de la Parte, by two-thirds vote SB 1110 was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

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

Nays—None

By unanimous consent Senator Horne was recorded as voting yea.

On motion by Senator Zinkil, the rules were waived and SB 1110 was immediately certified to the House.

SB 463 was taken up, together with:

By the Committee on Health and Rehabilitative Services—

CS for SB 463—A bill to be entitled An act relating to health care facilities; creating the "Health Care Cost Containment Act of 1974"; providing for the creation of a uniform system of financial reporting for hospitals and nursing homes; providing for a subsequent system of hospital rate review; encouraging programs based on the principle of incentive reimbursement whereby hospital budgets are established in advance of a hospital's budget period and costs are reimbursed prospectively, and whereby amounts accruing from operating below budgeted costs may be retained by the hospital to serve approved community needs; providing for state assumption to the maximum extent possible of responsibility for conducting health care cost containment programs; providing legislative findings and declaration of intent; providing definitions; creating the Florida health care cost commission; providing for commission meetings, procedure and compensation; providing for commission staffing and committees; providing guidelines for the proper exercise of the rate review function; providing for commission studies and data analysis; providing for a commission budget; providing for severability; providing for legislative review of administrative rules and regulations; providing an effective date.

—which was read the first time by title and SB 463 was laid on the table.

On motions by Senator Gordon, by two-thirds vote CS for SB 463 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—27

Barron	Glisson	Myers	Vogt
Brantley	Gordon	Pettigrew	Ware
Childers	Graham	Plante	Weber
Deeb	Gruber	Poston	Williams
de la Parte	Henderson	Sayler	Wilson
Firestone	Johnston	Scarborough	Winn
Gillespie	Lewis	Stolzenburg	

Nays—9

Gallen	Lane (23rd)	Sims	Sykes
Johnson	McClain	Smathers	
Lane (31st)	Peterson		

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

The President presiding.

SB 84 was taken up, together with:

By the Committee on Governmental Operations—

CS for SB 84—A bill to be entitled An act relating to law enforcement officers; providing definitions; providing for certain rights and privileges of law enforcement officers; providing for the receipt and processing of complaints; providing for enforcement of the act by the attorney general; providing an effective date.

—which was read the first time by title and SB 84 was laid on the table.

On motions by Senator Firestone, by two-thirds vote CS for SB 84 was read the second time by title and by two-thirds vote was read the third time by title.

Senator McClain moved the following amendment which was adopted by two-thirds vote:

Amendment 1—On page 4, strike all of lines 3 through 13 on page 4.

CS for SB 84 as amended was read by title, passed and ordered engrossed. The vote was:

Yeas—24

Mr. President	Gallen	Johnson	Scarborough
Barron	Gillespie	Lane (23rd)	Smathers
Brantley	Glisson	McClain	Stolzenburg
Childers	Gordon	Myers	Sykes
de la Parte	Graham	Pettigrew	Vogt
Firestone	Gruber	Poston	Winn

Nays—14

Henderson	Peterson	Sims	Williams
Johnston	Plante	Trask	Wilson
Lane (31st)	Saunders	Ware	
Lewis	Sayler	Weber	

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

On motion by Senator Firestone, the rules were waived and CS for SB 84 was ordered immediately certified to the House, after engrossing.

SB 1034 was taken up and on motion by Senator Poston—

CS for HB 3471—A bill to be entitled An act relating to loads on vehicles; amending section 316.198(2), Florida Statutes, requiring certain loads be covered by a tarpaulin or other appropriate cover; providing an effective date.

—a similar measure was substituted therefor and read the second time by title. On motion by Senator Poston, by two-thirds vote CS for HB 3471 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

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

Nays—2

Johnston Lane (31st)

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

HB 1145—A bill to be entitled An act relating to education; amending subsections 229.57(3) and 229.57(4), Florida Statutes, 1971, to limit application of educational accountability program to the subject areas of reading, writing, and mathematics until implementation of this act has been completed in those specific subject areas; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendment which was moved by Senator Smathers and adopted:

Amendment 1—On page 2, line 6, after "objectives." insert: *Such system shall include procedures for assuring compar-*

ability between student performance information collected and reported by this system and national indicators of student performance.

The Committee on Education offered the following amendment which was moved by Senator Smathers:

Amendment 2—On page 2, strike lines 24—30 and insert: (4) Implementation.—This section shall apply to the subject area of reading by the 1971-72 school year and the subject areas of writing and mathematics by the 1972-73 school year. No other subject area shall be tested until assessment in the subject areas of reading, writing and mathematics has been implemented. Such implementation shall include the testing of all third and sixth graders in the state by the 1974-75 school year and of all third through sixth grade students by the 1975-76 school year in the basic areas of reading, writing and mathematics. The results of such tests in each school shall be reported in the annual report of school progress, accompanied by a statement interpreting the results.

Senator Peterson moved the following amendment to amendment 2 which was adopted:

Amendment 2a—On page 1, lines 10—13 strike "The results of such tests in each school shall be reported in the annual report of school progress, accompanied by a statement interpreting the results." and insert: An interpretation of such tests in each school shall be reported in the annual report of school progress.

Amendment 2 as amended was adopted.

The Committee on Education offered the following title amendments which were moved by Senator Smathers and adopted:

Amendment 3—Line 6, after "1971," insert: to provide procedures to assure compatibility between state assessment and national assessment;

Amendment 4—Line 11, after "areas;" insert: to provide that all students will be tested in the third through the sixth grade by 1975-76;

On motion by Senator Smathers, by two-thirds vote HB 1145 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

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

Nays—None

By unanimous consent Senators Zinkil and Poston were recorded as voting yea.

SB 818 was taken up, together with:

By the Committee on Governmental Operations—

CS for SB 818—A bill to be entitled An act relating to governmental organization; providing a declaration of legislative intent, findings and purposes; amending § 20.04, Florida Statutes, to provide that departments may designate regions and to provide for offices in departments; amending § 20.19, Florida Statutes to reorganize the internal structure of the department of health and rehabilitative services; providing for a secretary and deputy, assistant and associate secretaries; providing for offices of administrative services and planning and evaluation; providing for regions; providing for the appointment of regional directors; providing for the application of the

central intake, diagnosis and evaluation and case management mechanism in the delivery of regional services; providing for coordination of regional service delivery functions with other public and private entities; providing for establishment of program objectives and measurement criteria; providing for the reassignment of powers, duties and functions of the divisions to assistant and associate secretaries and regional directors; abolishing the divisions of the department; providing for the assignment of certain functions to the department; providing administrative flexibility to implement the provisions of the act; providing for commitments to the department and placement of clients in appropriate programs; providing that the organizational structure shall be as provided in this act; providing an effective date.

—which was read the first time by title and SB 818 was laid on the table.

On motion by Senator de la Parte, by two-thirds vote CS for SB 818 was read the second time by title.

Senator Glisson moved that CS for SB 818 be temporarily deferred.

The motion failed by the following vote:

Yeas—14

Brantley	Gruber	Sayler	Ware
Childers	Johnson	Scarborough	Weber
Gallen	Johnston	Stolzenburg	
Glisson	Lane (31st)	Sykes	

Nays—21

Mr. President	Graham	Peterson	Williams
Barron	Henderson	Pettigrew	Wilson
de la Parte	Lane (23rd)	Plante	Winn
Firestone	Lewis	Poston	
Gillespie	McClain	Saunders	
Gordon	Myers	Sims	

Senator McClain moved the following amendment which failed:

Amendment 1—On page 7, line 9, strike the period (.) and insert: ; except the powers, duties and functions of the division of corrections shall be assigned to the office of corrections to be administered statewide, and these powers, duties and functions shall be removed from any regions designated by the department.

Senator Myers moved the following amendment which was adopted:

Amendment 2—On page 7, line 21, after “progress” strike the period and insert: ; provided, however, there shall be no reorganization implemented pursuant to this act until the specific plan for reorganization has been submitted to and approved by the legislature at its 1975 regular session. Until such time the department and its divisions shall operate through its existing budgeted entities.

On motion by Senator de la Parte, by two-thirds vote CS for SB 818 as amended was read the third time by title.

Senator Saunders presiding

On motion by Senator Sims, the rules were waived and time of adjournment was extended until final action on CS for SB 818.

The President presiding

CS for SB 818 as amended passed and was ordered engrossed. The vote was:

Yeas—25

Mr. President	Graham	Peterson	Vogt
Barron	Gruber	Pettigrew	Williams
Deeb	Henderson	Plante	Wilson
de la Parte	Lane (23rd)	Saunders	Winn
Firestone	Lewis	Sims	
Gillespie	McClain	Stolzenburg	
Gordon	Myers	Trask	

Nays—13

Brantley	Johnston	Scarborough	Weber
Childers	Lane (31st)	Smathers	
Glisson	Poston	Sykes	
Johnson	Sayler	Ware	

By unanimous consent Senators Gallen and Zinkil were recorded as voting nay.

On motion by Senator Trask, SB 393 was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

On motion by Senator Firestone, HB 3628 was withdrawn from the Committee on Governmental Operations by two-thirds vote.

On motion by Senator Firestone, HB 3968 was withdrawn from the Committee on Judiciary by two-thirds vote and placed on the calendar.

On motion by Senator Firestone, HB 4092 was withdrawn from the Committee on Rules and Calendar by two-thirds vote and placed on the calendar.

On motion by Senator Ware SB 788, a local bill, was removed from the general calendar and placed on the local calendar.

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:11 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President Pro Tempore at 2:00 p.m. A quorum present—38:

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

REPORTS OF COMMITTEES

The Committee on Education recommends the following pass: CS for HB 4026 with 2 amendments

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

ENROLLING REPORTS

Your Enrolling Clerk to whom was referred SCR 1104 reports same has been enrolled, signed by the required Constitutional officers and presented to the Secretary of State on May 23, 1974.

JOE BROWN, Secretary

Your Enrolling Clerk to whom was referred—

SB 50, SB 300, CS for SB 830

—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on May 23, 1974.

JOE BROWN, Secretary

Senator Myers moved that the Senate reconsider the vote by which CS for SB 818 passed this day.

Senator Barron presiding

The President presiding

Senator de la Parte moved as a substitute motion that the rules be waived and the Senate immediately reconsider the vote by which CS for SB 818 passed this day and the motion failed.

On motion by Senator Firestone, HB 3628 was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

On motion by Senator Smathers, Rule 2.5 was waived and the Committee on Ways and Means was granted permission to consider HB 2352 this day.

LOCAL CALENDAR

Consideration of Senate Bills 199 and 693 was deferred.

SB 694—A bill to be entitled An act relating to the city of St. Petersburg, Florida; providing definitions; providing a statement of policy and legislative findings; defining the downtown area; creating a board to be known as the St. Petersburg downtown improvement authority; providing for composition of the board; providing for appointment, term of office, compensation, bonding and liability of the members of the board; providing for filling vacancies in office; providing for bylaws and internal governance of the board; prescribing the functions and powers of the board; providing for the county to levy an ad valorem tax of not more than one and one-half mill; providing for records and fiscal management; providing for the issuance of revenue certificates; providing for succession by the city if the board ceases to exist or operate; providing for a referendum; prescribing the scope of this act; providing for liberal interpretation; providing an effective date.

—was read the second time by title.

Senator Deeb moved the following amendment which was adopted:

Amendment 1—On page 15, line 6, insert: Provided however, that an ad valorem tax not to exceed six tenths of one mill may be levied in the area during the first year of the board's existence to be used for planning purposes without a referendum.

On motion by Senator Deeb, by two-thirds vote SB 694 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—36

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

Nays—2

Gillespie	Sayler
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Consideration of SB 746 was deferred.

SB 1081—A bill to be entitled An act relating to Pinellas County; amending chapter 73-593, Laws of Florida, relating to the method of fixing millage; providing a method of fixing millage; providing that the county, school board, municipalities, and taxing districts shall decrease the millage required of said county, school board, municipalities, or taxing districts in proportion to the increase of the general level of assessed valuation of property; authorizing a ten percent increase in millage; providing for further millage increases in emergencies subject to limitations and review by the county budget commission; providing for verification of budgets and millage increases; specifying millages to be excluded from the reductions required by this act; requiring local taxing authorities to maintain millage necessary to participate in state funding programs; providing that the millage to be levied by the school board in 1974 not exceed the maximum millage the board could levy in 1974 had the board been required to comply with certain sections of said chapter in the previous year; providing an effective date.

—was read the second time by title.

Senator Sayler moved the following amendments which were adopted:

Amendment 1—On page 7, lines 17 through 21, strike section 6 in its entirety and renumber subsequent sections.

Amendment 2—On page 7, line 26, add a Section 7 to read as follows:

Section 7. This act shall be automatically repealed on July 1, 1975.

Amendment 3—On page 1, lines 22 through 27, strike "providing that the millage to be levied by the school board in 1974 not exceed the maximum millage the board could levy in 1974 had the board been required to comply with certain sections of said chapter in the previous year;"

On motion by Senator Deeb, by two-thirds vote SB 1081 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—38

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

Nays—None

SB 1083—A bill to be entitled An act relating to Volusia County and the municipalities of Daytona Beach, Ponce Inlet and Daytona Beach Shores; providing for the incorporation into the City of Daytona Beach of the area known as the South Peninsula as defined in this act; providing for the transfer to the City of Daytona Beach of the assets, powers, functions, responsibilities, duties, and obligations of the Town of Ponce Inlet and the City of Daytona Beach Shores; repealing chapters 63-1828, 65-2142, 67-1278, and 69-993, all Laws of Florida; abolishing and dissolving the Town of Ponce Inlet and the City of Daytona Beach Shores; providing for the transfer to the City of Daytona Beach of the assets, debts, and obligations of the South Peninsula Zoning District; providing for the maintenance for the South Peninsula zoning commission and board of adjustment as transitional boards within the City of Daytona Beach governing the zoning and planning in the South Peninsula for the period of time set forth in this act; amending §2 of chapter 67-1274, Laws of Florida, to redefine the bound-

aries of the City of Daytona Beach; providing for liberal construction; prohibiting the annexation under general or special law of any of the areas included within the South Peninsula; providing that this act, except for the provisions relating to referendum and prohibiting annexation, shall not take effect until approved by a majority of the electors of the South Peninsula and a majority of the electors of the City of Daytona Beach voting in special elections; providing for the holding of both said special elections; providing severability; providing an effective date.

—was read the second time by title.

Senator Gillespie moved the following amendments which were adopted:

Amendment 1—On page 5, line 14, strike “two (2) years” and insert: one (1) year

Amendment 2—On page 6, line 6, insert: , provided, however, that should a second referenda become necessary, as provided in Section 13(e), employees shall be continued at no less than the same salaries received by them as of April 1, 1975.

Amendment 3—On page 24, strike all of lines 22 through 30, and strike all of pages 25 and 26 and insert:

Section 12. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 13. (1) This act shall become effective only upon its approval by a majority of the electors of the area defined as the South Peninsula voting in a referendum election to be held in the South Peninsula and upon its approval by a majority of the electors of the City of Daytona Beach voting in a separate referendum election to be held within the City of Daytona Beach, pursuant to this section.

(2) Two special elections shall be called by the county council of the County of Volusia, in accordance with the general laws of the state, one to be held within the boundaries of the South Peninsula as described by this act and one within the boundaries of the City of Daytona Beach, both on November 5, 1974. At such elections there shall be submitted to the electors of the South Peninsula and to the electors of the City of Daytona Beach the question of the approval or disapproval of this act. If the electors voting in one area approve this act and the electors voting in the other area disapprove this act in the referenda held on November 5, 1974, the county council shall cause to be held prior to December 31, 1974, another referendum on the question of the approval or disapproval of this act in the area which disapproved this act.

(3) The ballots to be cast at each such election shall have placed thereon substantially the following question:

Do you approve the adoption of this act abolishing the Cities of Daytona Beach Shores and the Town of Ponce Inlet and incorporating the South Peninsula as defined in the act into the City of Daytona Beach?

For approval _____ Against approval _____

(4) The officers charged by the laws of Florida with the canvass of returns shall canvass the returns and declare the result of the elections hereunder. The laws of Florida governing the elections in Volusia County shall govern the conduct of such elections, and any duty herein specified which shall not be assigned or charged to any other person herein shall be performed by the supervisor of elections of Volusia County.

(5) The cost of the special elections specified herein shall be paid by the City of Daytona Beach and the South Peninsula Zoning District.

Amendment 4—On page 1, strike all of lines 28 and 29, and on page 2, strike all of lines 1 through 10 and insert: providing for severability; providing for referenda, providing an effective date.

On motion by Senator Gillespie, by two-thirds vote SB 1083 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—38

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

Nays—None

SB 1084—A bill to be entitled An act relating to Volusia County; creating and establishing a local government study commission in Volusia County to be known as the Halifax Area Study and Charter Drafting Commission, to study the structures, services, functions and operations of all governmental units and bodies located in the “Halifax Area”, as defined by this act, to determine the need, if any, for unification of services, separation, addition, removal or other revision of any or all of the governmental structures, services, functions and operations within the Halifax Area, and to determine whether tax savings can be made and whether efficiency can be gained through the revision of such structures, services, functions and operations; requiring the commission to recommend a plan or charters of governmental units providing for the solution of problems disclosed as a result of such study and submit the same to the members of the Florida legislature whose election district includes Volusia County or to the Volusia County council or municipal governing bodies for enactment or implementation of such plan or charters; providing for the number, qualification and method of appointment of the members of the commission, naming the first members of the commission; providing for the terms of office and method of filling vacancies on the commission; providing powers, functions and duties of the commission; providing for the transfer and expenditure of funds from predecessor organizations including the Halifax Area Study Commission and Halifax Area Charter Drafting Commission; providing for the payment of costs of operation, use, accounting and disbursement of funds of the commission; authorizing the cities of Daytona Beach, Daytona Beach Shores, Holly Hill, Port Orange, Ormond Beach, South Daytona, Town of Ponce Inlet, North Peninsula Zoning Commission, South Peninsula Zoning Commission and Volusia County to make contributions to the commission; providing an effective date.

—was read the second time by title. On motion by Senator Gillespie, by two-thirds vote SB 1084 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

SB 1087—A bill to be entitled An act relating to the City of Ormond Beach, Volusia County; incorporating the area of the North Peninsula Zoning District into the City of Ormond Beach; transferring all assets, debts, obligations, codes, regulations, maps, and land use plans of the district to the city; providing for employment and compensation of employees and elected officials of the district; providing for two (2) new members of the city commission to be residents of the North Peninsula; providing for the powers and election of the new commissioners;

providing for the furnishing of city services to the added territory; preserving legal actions for and against the district and substituting the city as the real party in interest; providing for referendum elections; providing an effective date.

—was read the second time by title. On motion by Senator Gillespie, by two-thirds vote SB 1087 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

Consideration of SB 1088 was deferred.

SB 1090—A bill to be entitled An act relating to Volusia County; providing a definition; amending §2 of chapter 20187, Laws of Florida, 1939, and §3 of chapter 18964, Laws of Florida, 1937, as amended, permitting public school teachers to become permanent employees of the district school system of Volusia County by earning district in-service education points equivalent to present educational and occupational tenure requirements; permitting teachers in Volusia County to earn equivalent district in-service education points in lieu of certain educational requirements for purposes of maintaining the status of permanent employees; providing an effective date.

—was read the second time by title. On motion by Senator Gillespie, by two-thirds vote SB 1090 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

SB 1092—A bill to be entitled An act relating to the City of Pensacola; amending §4, chapter 21483, Laws of Florida, as amended by chapters 24809, 1947, 31157, 1955, 57-1713, 59-1723 and 61-2653, Laws of Florida, relating to the creation and maintenance of the firemen's relief and pension fund, to provide increased contributions of firemen and the City of Pensacola into said fund; repealing conflicting laws; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote SB 1092 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

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

Nays—1

Gillespie

SB 1093—A bill to be entitled An act relating to the City of Pensacola; providing an increase in the amount of pension received by persons from the Firemen's Relief and Pension Fund; prescribing the computation of such increase and the amount thereof; prohibiting transfers; repealing conflicting laws; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote SB 1093 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Gillespie

SB 1094—A bill to be entitled An act relating to the port of Jacksonville; exempting the port of Jacksonville from the provisions of sections 310.03 and 310.04, Florida Statutes; providing for the licensing of bar pilots; providing for the filling of vacancies; providing for the licensing of deputy pilots; providing independent contractor status for licensed pilots and deputy pilots; providing qualifications for pilots; providing for annual physical qualifications of pilots and deputy pilots; providing a mandatory retirement age for pilots; providing the board of pilot commissioners with the authority to promulgate rules and regulations to implement the provisions of the act; providing an effective date.

—was read the second time by title.

Senator Brantley moved the following amendment which was adopted:

Amendment 1—On page 3, strike lines 12—17 and Renumber the subsequent sections.

On motion by Senator Brantley, by two-thirds vote SB 1094 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—38

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

Nays—None

SB 1095—A bill to be entitled An act relating to Brevard County; amending §13, art. IV, chapter 28922, Laws of Florida, 1953, as amended by §1, chapter 67-1144, Laws of Florida, relating to the Canaveral Port District, to empower the Canaveral

Port Authority to convey fee simple title to lands to the United States government for a United States Coast Guard facility; providing for right of reversion; providing an effective date.

—was read the second time by title. On motion by Senator Vogt, by two-thirds vote SB 1095 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

SB 1096—A bill to be entitled An act relating to Brevard County; amending §§19 and 20, art. IV, chapter 28922, Laws of Florida, 1953, relating to the Canaveral Port District, to conform said sections which specify a maximum rate of interest payable on revenue certificates or revenue bonds to the maximum rate of interest set forth in §315.05, Florida Statutes; to delete a referendum election on the issuance of revenue certificates or revenue bonds not supported by an ad valorem tax; providing an effective date.

—was read the second time by title. On motion by Senator Vogt, by two-thirds vote SB 1096 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

SB 1097—A bill to be entitled An act relating to Brevard County; amending §16c., art. IV, chapter 28922, Laws of Florida, 1953, as amended by §1, chapter 30606, Laws of Florida, 1955, and §§4 and 7, art. XVIII, chapter 28922, Laws of Florida, 1953, to permit qualified electors residing in the Canaveral Port District to petition for a referendum election and vote in such election on any lease of property for more than ten years or encumbrance for more than ten thousand dollars with a term of more than five years; to delete the requirement to be a "freeholder"; to change the petition period from ten days to thirty days; to delete the requirement that a majority of the freeholders participated in the election; providing an effective date.

—was read the second time by title. On motion by Senator Vogt, by two-thirds vote SB 1097 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

Consideration of SB 1098 was deferred.

SB 1099—A bill to be entitled An act relating to Pinellas County; providing legislative intent; adopting the Southern Standard Building Code, 1973 Edition, as amended; providing for inspection and enforcement; providing for the resolving of disputes by the Board of Adjustments and Appeals; providing an effective date.

—was read the second time by title.

Senator Deeb moved the following amendments which were adopted:

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

Section 1. It is the intent of the legislature to provide for uniform building codes for Pinellas County.

Section 2. There is hereby adopted by Pinellas County, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, those certain building codes known as the Southern Standard Building Code, being the 1973 edition thereof, as amended, the Southern Standard Mechanical Code, being the 1973 edition thereof, as amended, the Southern Standard Plumbing Code, being the 1971 edition thereof, as amended, and the 1974 National Electrical Code; provided, that future amendments to such codes by the Southern Building Code Congress or the National Fire Protection Association, respectively, may be adopted by law or county ordinance. These codes are hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be exclusively controlling in the construction of all buildings and structures within the boundaries of Pinellas County. However, the governing body of any municipality or the county may adopt any amendments which shall be necessary as a condition precedent to any federally sponsored program.

Section 3. Inspection and enforcement pursuant to these codes shall be effected by the county, the municipalities thereof, or the authorized designees of either. Any municipality, the county or any person may request in writing a letter of interpretation regarding the Southern Standard Building Code from the Board of Adjustments and Appeals, as provided in such Code, which shall be binding upon the enforcement authorities.

Section 4. For the purposes of this act and the Southern Standard Building Code, the "Chief Appointing Authority" shall be the Pinellas County Construction Licensing Board.

Section 5. This shall take effect January 1, 1975.

Amendment 2—On page 1, lines 3—10, strike all of lines 3 through 10 and insert:

A bill to be entitled

An act relating to Pinellas County; providing legislative intent; adopting the Southern Standard Building Code, 1973 Edition, as amended, the Southern Standard Mechanical Code, 1973 Edition, as amended, the Southern Standard Plumbing Code, 1971 Edition, as amended, and the 1974 National Electrical Code; providing for inspection and enforcement; providing for the resolution of disputes under the Southern Standard Building Code by the Board of Adjustments and Appeals; providing an effective date.

On motion by Senator Deeb, by two-thirds vote SB 1099 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—38

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

Nays—None

SB 1101—A bill to be entitled An Act relating to Pinellas County; providing for ordinances relating to the control of all dogs, cats and other domesticated animals; providing that all special acts relating to dogs, cats and other domesticated animals shall become county ordinances; prohibiting the enactment of conflicting city ordinances; providing an effective date.

—was read the second time by title. On motion by Senator Saylor, by two-thirds vote SB 1101 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

SB 1103—A bill to be entitled An act relating to the Halifax hospital district, Volusia County; amending §8, chapter 11272, Laws of Florida, 1925, as amended; authorizing the board of commissioners of the Halifax hospital district to issue and sell bonds in an amount not to exceed six million two hundred thousand dollars (\$6,200,000.00) for certain purposes; providing bonds may be revenue bonds or bonds pledging the full faith and credit of said district; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Gillespie, by two-thirds vote SB 1103 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

HB 2954—A bill to be entitled An act relating to Okaloosa County; amending §2, chapter 63-1690, Laws of Florida, increasing the membership of the Okaloosa County child-care center board from five (5) to seven (7); providing for an executive director; providing for gubernatorial appointment; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote HB 2954 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

HB 3219—A bill to be entitled An act relating to Seminole County; repealing chapter 61-2877, Laws of Florida, and other inconsistent acts and laws; providing legislative intent; pro-

viding for the abolition of fire control districts or parts thereof by ordinance of the board of county commissioners; providing for the acquisition of abolished fire control district assets and liabilities by the county; providing for the means of establishing countywide fire protection for the unincorporated areas of the county; providing for construction; providing an effective date.

—was read the second time by title. On motion by Senator Wilson, by two-thirds vote HB 3219 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

HB 3220—A bill to be entitled An act relating to Brevard, Orange, Seminole and Volusia Counties; abolishing the St. Johns-Indian River canal district by repealing chapter 63-793; Laws of Florida, as amended by chapter 65-1109, Laws of Florida; providing that assets of said district shall be returned, proportionately, to each participating county; providing an effective date.

—was read the second time by title. On motion by Senator Wilson, by two-thirds vote HB 3220 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

HB 3221—A bill to be entitled An act relating to Seminole County; repealing chapter 69-1611, Laws of Florida, which authorizes the district school board of Seminole County, formerly the board of public instruction of Seminole County, to enter into and make contracts for purchases of materials, supplies, and services without requiring competitive bidding or quotations thereon for a sum not to exceed one thousand dollars (\$1,000); providing an effective date.

—was read the second time by title. On motion by Senator Wilson, by two-thirds vote HB 3221 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

HB 3237—A bill to be entitled An act to authorize the School Board of Pasco County, Florida, to locate and maintain the office of the Superintendent of Schools of Pasco County, Florida, at any place within Pasco County, Florida; repealing all laws or parts of laws in conflict herewith; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote HB 3237 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

Consideration of CS for HB 3275 and CS for HB 3279 was deferred.

HB 3298—A bill to be entitled An act relating to the South Lake Worth Inlet District, Palm Beach County, created by chapter 7080, Laws of Florida, 1915, and all supplementary and amendatory acts, including but not limited to chapter 7977, Laws of Florida, 1919; chapter 8903, Laws of Florida, 1921; chapter 9567, Laws of Florida, 1923; chapter 63-1748, Laws of Florida; chapter 69-1422, Laws of Florida; chapter 69-1426, Laws of Florida; chapter 69-1427, Laws of Florida; chapter 70-865, Laws of Florida; chapter 72-636, Laws of Florida; chapter 72-637, Laws of Florida; chapter 72-638, Laws of Florida; and chapter 72-639, Laws of Florida, to amend section 8 of chapter 7080, Laws of Florida, 1915, to bring section 8 into conformity with the procedures and methods of fixing a millage as set out in the Florida Statutes; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 3298 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

Consideration of House Bills 3299, 3332 and 3333 was deferred.

HB 3338—A bill to be entitled An act relating to Palm Beach County; authorizing the district school board of said county to erect, construct, repair, alter, and improve any school building in the county on a day labor basis with funds from authorized sources, provided the project does not cost in excess of fifty thousand dollars (\$50,000); providing a termination date; repealing all laws in conflict herewith; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 3338 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

Mr. President	Deeb	Gillespie	Gruber
Barron	de la Parte	Glisson	Henderson
Brantley	Firestone	Gordon	Johnson
Childers	Gallen	Graham	Johnston

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

Nays—None

CS for HB 3362—A bill to be entitled An act relating to Jackson County schools; amending chapter 73-498, Laws of Florida by raising the limit for revenue bonds payable from motor vehicle license taxes and racetrack and jai alai funds accruing to Jackson County from \$3,000,000 to \$6,000,000; providing an effective date.

—was read the second time by title. On motion by Senator Barron, by two-thirds vote CS for HB 3362 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

HB 3389—A bill to be entitled An act relating to the primary and general elections for election of city commissioners of the City of St. Augustine, Florida, amending section 6, chapter 67-1975, Laws of Florida, by providing procedure for nomination of candidates for office of city commissioner; amending section 7, chapter 67-1975, Laws of Florida, by providing the procedure when primary elections are not required; repealing all laws, or parts of laws, in conflict herewith; and providing an effective date.

—was read the second time by title. On motion by Senator Glisson, by two-thirds vote HB 3389 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Gillespie

HB 3414—A bill to be entitled An act relating to the Baker County Hospital Authority; authorizing said authority to acquire, construct, enlarge, improve, repair, remodel, equip, and furnish improvements, extensions and additions to the existing hospital, geriatrics center, nursing home, or other hospital, medical, or nursing facilities owned and operated by said authority within the boundaries of Baker County; authorizing the issuance of revenue bonds payable from race track funds and jai alai fronton funds accruing annually to Baker County pursuant to the provisions of chapters 550 and 551, Florida Statutes, and allocated to the authority, or from revenues derived from the operation of the facilities, or from any combination thereof to pay the costs of such projects; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote HB 3414 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

HB 3459—A bill to be entitled An act amending section 11.02 of Chapter 67-1320, Laws of Florida, as amended, being the charter of the City of Jacksonville, by requiring the tax collector to devote his entire time to the performance to his duties and hold no other public office or employment; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 3459 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Gillespie

HB 3460—A bill to be entitled An act amending section 9.02 of chapter 67-1320, Laws of Florida, as amended, being the charter of the City of Jacksonville; by requiring the supervisor of elections to devote his entire time to performance of his duties and hold no other public office or employment; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 3460 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Gillespie

HB 3461—A bill to be entitled An act relating to the City of Jacksonville amending section 19.05 of Article 19 of Chapter 67-1320, Laws of Florida, as amended, to provide for certain employees to whom the civil service provisions of Article 19 of Chapter 67-1320, Laws of Florida, as amended, do not apply; providing an effective date.

—was read the second time by title.

Senator Brantley moved the following amendments which were adopted:

Amendment 1—On page 1, line 14 after the words "Section 1." insert: Subsections (2), (11), (13) and (22) of

Amendment 2—On page 2, line 2, after "secretaries" and before "the council director of research" insert: *the secretary to the president of the council,*

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

Yeas—37

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

Nays—1

Gillespie

HB 3462—A bill to be entitled An act amending section 19.05 of Chapter 67-1320, Laws of Florida, as amended, being the charter of the City of Jacksonville; providing that certain employees be exempt from the civil service system of said city; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 3462 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Gillespie

HB 3463—A bill to be entitled An act amending section 27.102 (a) of chapter 67-1320, Laws of Florida, as amended, being the charter of the City of Jacksonville, so as to include the Duval County School Board within the definition of a "public employer"; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 3463 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Gillespie

HB 3464—A bill to be entitled An act relating to the Duval County Beaches Public Hospital Board; amending chapter 71-617, Laws of Florida, as amended, to provide procedures for the signing and countersigning or vouchers and warrants of the board by the hospital administrator or comptroller, and requiring certain bonds; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 3464 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

HB 3465—A bill to be entitled An act amending section 1 (c) of chapter 63-1447, Laws of Florida, as amended, relating to the Jacksonville Port Authority, by reducing the quorum requirement for action by the authority from five to four; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 3465 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

HB 3466—A bill to be entitled An act relating to local government; amending section 4 of chapter 67-1569, Laws of Florida, as amended, creating Jacksonville Electric Authority, to empower said authority to borrow money from the City of Jacksonville for working capital purposes for periods not longer than one year; allowing interest to be charged thereon by consolidated government not in excess of current prime rate, as determined by council; providing for methods of repayment; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 3466 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

HB 3479—A bill to be entitled An act relating to the Duval County School Board; permitting monthly inspection of school buses by the state motor vehicle inspection stations; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 3479 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

HB 3480—A bill to be entitled An act to amend by adding thereto a new section to be entitled section 124 (2) of Article 8 of Chapter 57-1126, Laws of Florida, Special Acts of 1957, the same being an act entitled: "An act to incorporate the City of Atlantic Beach, Florida in Duval County, and to provide for its government and prescribe its powers, privileges and more" (being the Atlantic Beach City charter); to provide for an alternate method of the collection of delinquent taxes by the sale of tax certificates; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 3480 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Gillespie

HB 3481—A bill to be entitled An act amending the charter of the City of Jacksonville, chapter 67-1320, Laws of Florida, as amended; except persons employed as teacher aides by the Duval County School Board from the civil service system; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 3481 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Gillespie

HB 3482—A bill to be entitled An act amending Chapter 73-512, Laws of Florida, being an act which authorizes and requires payment of compensation to certain employees of the City of Jacksonville for certain hours worked for which payment was

not authorized at the time such work was performed; relating to the hourly rate and total amount paid to W. W. Fish, Sr.; providing an effective date.

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

Yeas—37

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

Nays—1

Gillespie

CS for HB 3399—A bill to be entitled An act relating to Okaloosa County, creating the Southwest Okaloosa County Fire Control District; providing for boundary, government, officers, powers, duties, procedures, regulations, and financing of the district to include an ad valorem levy of up to one (1) mill; providing for violation to be a misdemeanor of the second degree; providing for a referendum; providing an effective date.

—was read the second time by title.

Senator Childers moved the following amendments which were adopted:

Amendment 1—On page 1, strike all of lines 16 and 17

Amendment 2—On page 4, strike all of lines 4—15 and re-number subsequent sections.

Amendment 3—On page 9, lines 27—29, strike "It shall be the duty of the prosecuting attorney of Okaloosa County to prosecute all offenses punishable under this act."

On motion by Senator Childers, by two-thirds vote CS for HB 3399 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

HB 3484—A bill to be entitled An act amending chapter 67-1569, Laws of Florida, as amended, being the charter of the Jacksonville Electric Authority; permitting the employment of specialists related to nuclear powered generation facilities without the civil service system; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 3484 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Saunders	Smathers	Ware	Winn
Saylor	Stolzenburg	Weber	Zinkil
Scarborough	Sykes	Williams	
Sims	Vogt	Wilson	

Nays—None

SB 981—A bill to be entitled An act relating to Pinellas County; requiring that the use of telephone number 911, a number through which emergency organizations can be contacted, be placed in effect; requiring the governing body of the county and of each municipality to take action by January 1, 1975 to implement the use of the number; requiring the telephone company serving the area to place the number in operation by December 31, 1976; providing an effective date.

—was read the second time by title. On motion by Senator Deeb, by two-thirds vote SB 981 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

SB 788—A bill to be entitled An act creating and establishing the St. Petersburg Arts Commission for the purpose of developing, coordinating and promoting the performing and visual arts, declaring said purpose to be a public purpose; providing for the method and manner of the appointment of and terms of its membership; providing for its powers, functions, privileges, duties, and responsibilities; providing for sources of revenues; providing for the issuance by the arts commission of revenue bonds and refunding bonds to carry out the purposes of this act and for the rights and remedies of bondholders; providing for the preparation of an annual budget by the arts commission; providing for the transfer of the powers, functions, duties, responsibilities and obligations and properties of the arts commission to any government consolidating the city of St. Petersburg and Pinellas County; and providing an effective date.

—was read the second time by title. On motion by Senator Ware, by two-thirds vote SB 788 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1

Saylor

HB 2745—A bill to be entitled An act relating to the Pasco County Expressway Authority; amending section 348.91, Florida Statutes, as created in chapter 73-226, Laws of Florida, 1973, to provide that the bonds are subject to the corporate income tax; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendments which were moved by Senator Peterson and adopted:

Amendment 1—On page 1, strike all of lines 13 through 31, on page 2 strike all of lines 1 through 6 and insert:

Section 1. Subsection 2(g)1 of Section 348.83, Florida Statutes, is hereby amended to read as follows:

(g)1 To borrow money and issue bonds, as provided by the State Bond Act.

Section 2. Subsection 5(b) of Section 348.83, Florida Statutes, is hereby amended to read as follows:

(b) Projects subject to the provisions of this subsection shall not be finally approved except by a majority of those voting ~~three-fifths (3/5)~~ vote of the authority. After the authority approve same, the Pasco County Commission shall order a referendum election on such project by the freeholders of the county, if the provisions of section 159.16 shall so require. Approval of a majority of those voting in such election shall constitute approval of such project.

Section 3. Section 348.84, Florida Statutes, is hereby amended to read as follows:

348.84 Bonds. Bonds may be issued by on behalf of the Authority pursuant to the provisions of Section 215.68 as to form, maturity, date, execution and sale or, if required, by the Constitution of Florida, by the division of bond finance of the department of general services on behalf of the authority, as provided by the State Bond Act.

Section 4. This act shall take effect upon becoming a law.

Amendment 2—On page 1 in title, strike all of lines 4 through 9 and insert: An act amending subsection 2(g)1 of section 348.83 and section 348.84, Florida Statutes, relating to the issuance of bonds by the Pasco County Expressway Authority and providing an effective date.

On motion by Senator Peterson, by two-thirds vote HB 2745 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

Explanation of vote on local bills

I voted against Senate Bills 694, 1092, 1093, House Bills 3389, 3459, 3460, 3461, 3462, 3463, 3480, 3481 and 3482 for the reason that each of these bills could have been passed by the local governing bodies of each city involved under the home rule power previously granted by this legislature.

William M. Gillespie, 10th District

Senator Plante moved that the Senate revert to Messages from the House of Representatives and the motion failed.

The President introduced to the Senate, Donna Ferry, Miss Flame of 1974, who was accompanied by Don Ferry, her father; Mayor Ben Beigh, Chief Richard Abrams, Ross Donovan and Charles (Chuck) Robinette, President, Florida State Firemens Association, all of Coral Springs, Florida.

On motion by Senator de la Parte, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 23, 1974

I am directed to inform the Senate that the House of Representatives has passed SB 941.

Allen Morris, Clerk

The bill contained in the above message was ordered enrolled.

The Honorable Mallory E. Horne, President May 22, 1974

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 2028 as amended by the Conference Committee Report.

Allen Morris, Clerk

(conference committee report attached)

By the Committee on Commerce and Representative Bass and others—

HB 2028—A bill to be entitled An act relating to labor, implementing Section 6 of Article I of the Constitution of the State of Florida; amending section 447.03, Florida Statutes, 1971, to include the right to refrain from participation in labor organizations; creating section 447.17, Florida Statutes, to provide civil and injunctive relief for denial or abridgement of rights; amending chapter 447, Florida Statutes, by adding Part II; providing right to organize and bargain collectively as to terms and conditions of employment; providing method of bargaining procedure; creating and providing administration by the Florida public employees relations commission within the department of commerce defining rights of public employees and employers; providing payroll dues deduction; providing rules and procedures for registration, recognition, and certification of employee organizations and bargaining agents; providing payment of fees and expenses in collective bargaining process; providing grievance procedures; providing procedures for resolution of impasse; providing factors to be considered by the special master; providing for compensation and records; establishing unfair labor practices by employers and employee organizations; providing procedures to resolve unlawful actions and practices, penalties and remedies; providing injunctive relief; providing effect on merit and civil service systems and state and local control of same; providing for a local option; providing certain exceptions to §286.011 and chapter 119, Florida Statutes, and providing limits to such exceptions; providing for severability; repealing §230.22 (1)(a), Florida Statutes, as created by chapter 73-338, Laws of Florida, relating to general powers of school boards; providing for repeal of chapter 72-275, Laws of Florida, which creates the Fire Fighters Bargaining Act; providing repeal of §839.221, Florida Statutes, which prohibits participation in strikes or membership in organizations that assert right to strike against government employer by governmental officers and employees; providing an effective date.

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

CONFERENCE COMMITTEE REPORT ON HB 2028

The Honorable Mallory E. Horne May 20, 1974
President of the Senate

The Honorable T. Terrell Sessums
Speaker, House of Representatives

Sirs:

Your conference committee on the disagreeing votes of the two houses on Senate amendments to House Bill 2028, same being:

A bill to be entitled an act relating to labor, implementing Section 6 of Article I of the Constitution of the State of Florida; amending section 447.03, Florida Statutes, 1971, to include the right to refrain from participation in labor organizations; creating section 447.17, Florida Statutes, to provide civil and injunctive relief for denial or abridgement of rights; amending chapter 447, Florida Statutes, by adding Part II; providing right to organize and bargain collectively as to terms and conditions of employment; providing method of bargaining procedure; creating and providing administration by the Florida public employees relations commission within the department of commerce; providing for legislative review of commission rules; defining rights of public employees and employers; providing payroll dues deduction; providing rules and procedures for registration,

recognition, and certification of employee organizations and bargaining agents; providing payment of fees and expenses in collective bargaining process; providing grievance procedures; providing procedures for resolution of impasse; providing factors to be considered by the special master; providing for compensation and records; establishing unfair labor practices by employers and employee organizations; providing procedures to resolve unlawful actions and practices, penalties and remedies; providing injunctive relief; providing effect on merit and civil service systems and state and local control of same; providing for a local option; providing certain exceptions to §286.011 and chapter 119, Florida Statutes, and providing limits to such exceptions; providing for severability; repealing §230.22(1)(a), Florida Statutes, as created by chapter 73-338, Laws of Florida, relating to general powers of school boards; repealing §§447.20—447.35, Florida Statutes, as created by chapter 72-275, Laws of Florida, the Fire Fighters Bargaining Act; repealing §839.221, Florida Statutes, which prohibits participation in strikes or membership in organizations that assert right to strike against government employer by governmental officers and employees; providing an effective date.

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

1. That the Senate recede from its amendments 1, 2, 4, 7, 8, 9, 10, 12, 13, 14, 17, 18, 19, 26, 27, 33 & 35, and 39 & 40.
2. That the House concurs with the Senate amendments 3, 5, 11, 15, 16, 22, 30, and 41.
3. That the Senate and House of Representatives adopt the Conference Committee amendments attached hereto; and by reference made a part of this report.
4. That the Senate and the House of Representatives pass House Bill 2028 as amended by said Conference Committee amendments.

Louis de la Parte, Jr.
William M. Gillespie
James Johnston
Dan Scarborough
Russell E. Sykes

Donald L. Tucker, Chairman
George I. Baumgartner
Dick Clark
Lewis S. Earle (dissenting)
Elvin L. Martinez
 (no signature)

Managers on the part of the Senate

Managers on the part of the House of Representatives

CONFERENCE COMMITTEE AMENDMENTS

1. Page 2 line 18 strike
 Employee's
 and Insert
 Employees'
2. Page 4 lines 27—31 and on
 Page 5 lines 1 —12
 strike everything
 and Insert
 for employer authorities, (d) persons who are designated as managerial or confidential employees pursuant to criteria contained herein upon application of the public employer to the public employees relations commission.
 (4) "Managerial employees" are those employees generally having authority in the interest of the public employer who (a) formulate policy which is applicable throughout the bargaining unit, or (b) may reasonably be required on behalf of the employer to assist directly in the preparation for and conduct of collective bargaining negotiations or to have a major role in the administration of agreements resulting therefrom, or (c) have a significant role in personnel administration or in employee relations, and in the preparation and administration of budgets for any public agency or institution or subdivision thereof, provided, that said roles are not of a routine, clerical or ministerial nature and require the exercise of independent judgment. In determining whether an individual is a managerial em-

ployee, the commission shall consider the historic relationship of the employee to the public employer and to co-employees.

3. Page 5 lines 16—28 strike
 all of lines 16—28
 and Insert
 (6) "Strike" means the concerted failure to report for duty, the concerted absence of employees from their positions, the concerted stoppage of work, the concerted submission of resignations, the concerted abstinence in whole or in part by any group of employees from the full and faithful performance of the duties of employment with a public employer, for the purpose of inducing, influencing, condoning or coercing a change in the terms and conditions of employment or the rights, privileges, or obligations of public employment or participating in a deliberate and concerted course of conduct which adversely affects the services of the public employer, the concerted failure to report for work after the expiration of a collective bargaining agreement and picketing in furtherance of a work stoppage.
4. Page 7 line 2 strike
 section 447.009.
 and Insert
 §447.009, or its representative.
5. Page 8 line 4 strike
 (13)
 and Insert
 (14)
6. Page 8 line 12 strike
 (14)
 and Insert
 (15)
7. Page 8 line 20 strike
 (15)
 and Insert
 (16)
8. Page 8 line 22 strike
 employment
 and Insert
 employees
9. Page 13 line 11 strike
 labor
 and Insert
 employee
10. Page 13 lines 24—27 strike
 all of lines 24—27
 and Insert
 ed more than \$10,000 in the aggregate from such employee organization and any other employee organization affiliated with it or with which it is affiliated, or which is affiliated with the same national or international employee organization;
11. Page 15 line 16
 insert the following after (3)
 (a)
12. Page 16 line 2 strike
 (a)
 and Insert
 (1)

13. Page 16 line 5 strike
(b)
and Insert
(2)
14. Page 16 lines 7—8 strike
(c) Order an election by secret ballot;
(d)
and Insert
(3) Order an election by secret ballot.
(b)
15. Page 16 line 12 strike
(e)
and Insert
(c)
16. Page 16 line 16 strike
(f)
and Insert
(d)
17. Page 16 line 22 strike
1.
and Insert
(a)
18. Page 16 line 24 strike
2.
and Insert
(b)
19. Page 16 line 26 strike
3.
and Insert
(c)
20. Page 16 line 29 strike
4.
and Insert
(d)
21. Page 17 line 3 strike
5.
and Insert
(e)
22. Page 17 line 4 strike
6.
and Insert
(f)
23. Page 17 line 6 strike
A.
and Insert
1.
24. Page 17 line 8 strike
B.
and Insert
2.
25. Page 17 line 10 strike
C.
and Insert
3.
26. Page 17 line 12 strike
D.
and Insert
4.
27. Page 17 line 13 strike
E.
and Insert
5.
28. Page 17 line 16 strike
7.
and Insert
(g)
29. Page 17 line 18 strike
8.
and Insert
(h)
30. Page 18 line 14 strike
subdivisions
and Insert
subsections
31. Page 19 lines 4—5 strike
all of lines 4 and 5
and Insert
employer or is not approved by a majority vote of employees voting in the unit, in accordance with procedures adopted by the commission, the agreement shall be returned to the chief executive
32. Page 19 lines 13—25 strike
all of lines 13—25
and Insert
447.011. Grievance procedures.—Each public employer and bargaining agent shall negotiate a grievance procedure to be used for the settlement of disputes between employer and employee, or group of employees, involving the interpretation or application of a collective bargaining agreement. Such grievance procedure shall have as its terminal step a final and binding disposition by an impartial neutral, mutually selected by the parties; provided, however, that an arbitrator or other neutral shall not have the power to add to, subtract from, modify or alter the terms of a collective bargaining agreement. If an employee organization is certified as the bargaining agent of a unit, the grievance procedure then in existence may be subject of collective bargaining and any agreement which is reached shall supersede the previously existing procedure. All public employees shall have the right to a fair and equitable grievance procedure, administered without regard to membership or non-membership in any organization.
33. Page 23 line 30 strike
this act;
and Insert
this act; or from interfering with, restraining or coercing managerial employees by reason of their performance of job duties or other activities undertaken in the interests of the public employer.

34. Page 25 line 10 strike
subsection
and Insert

paragraph
35. Page 34 lines 6—22 strike
all of lines 6—22
and Insert

shall not apply, except as provided in §447.006(3).

447.022 Local option.—Any district school board or political subdivision (other than the state or a state public authority), may elect to adopt by ordinance, resolution or charter amendment its own provisions and procedures in lieu of the requirement of this part, provided that such provisions and procedures effectively secure to public employees substantially equivalent rights and procedures as set forth in this part. Prior to becoming law the public employer shall apply to the commission for review and approval as to whether local provisions or procedures, or both, are substantially equivalent to the provisions and procedures set forth in this part. All public employee agreements now in existence shall remain in effect until their expiration.

36. Page 2 lines 5—8 strike
all of lines 5—8
and insert

relating to general powers of school boards; repealing §§447.20—447.35, Florida Statutes, as created by chapter 72-275, Laws of Florida, the Fire Fighters Bargaining Act; repealing §839.221, Florida Statutes,

Senate Amendment 1—

On page 4 line 27—31 strike
and on page 5 lines 1—12 strike
everything

and insert:

for employer authorities, (d) persons who are designated as managerial or confidential employees pursuant to criteria contained herein upon application of the public employer to the public employment relations commission.

(4) "Managerial employees" are those employees generally having authority in the interest of the public employer who (a) formulate policy which is applicable throughout the bargaining unit, or (b) may reasonably be required on behalf of the public employer to assist directly in the preparation for and conduct of collective bargaining negotiations or to have a major role in the administration of agreements resulting therefrom, or (c) have a significant role in personnel administration or in employee relations, and in the preparation and administration of budgets for any public agency or institution of subdivision thereof; provided, that said roles are not of a routine, clerical or ministerial nature and require the exercise of independent judgment; provided further, that nothing herein shall be construed to deny collective bargaining rights to those classes of persons employed by school districts as school administrators or supervisors other than chief school system officers and their immediate subordinates ~~or to those classes of person employed by institutions of higher education as deans, department chairmen,~~ or other job classifications other than the chief executive officers and their immediate subordinates, whether in separate bargaining units or in units designated to include such instructional and non-instructional personnel.

Senate Amendment 2—

On page 5 line 19—28 strike
everything after "resignations."

and insert:

the concerted failure to report for work after the expiration of a collective bargaining agreement and picketing in furtherance of a work stoppage.

Senate Amendment 3—

On page 6 line 29 strike
"Certified employee organization"

and insert:

"Bargaining agent"

Senate Amendment 4—

On page 8 line 8—11 strike
8-11

and insert:

with respect to agreements reached concerning matters within the scope of negotiations as defined herein, except that neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided by this act. For the purposes of this definition:

(a) For any unit which includes professional or supervisory employees, "scope of negotiations" means wages, compensable fringe benefits, and grievance procedures relating thereto;

(b) For any other unit, "scope of negotiations" means wages, hours and terms and conditions of employment.

Senate Amendment 5—

On page 11 line 15 strike
the period (.)

and insert:

, or civil or career service regulation

Senate Amendment 7—

On page 17 line 29—30—31 strike
wages, hours and terms and conditions of employment of the public employees within the bargaining unit.

and insert:

matters within the scope of negotiations for that unit.

Senate Amendment 8—

On page 19 line 4
after the words "vote of employees"

insert:

"voting"

Senate Amendment 9—

On page 19 strike line 13—25

and insert:

447.011 Grievance procedures.—Each public employer and bargaining agent shall negotiate a grievance procedure to be used for the settlement of disputes between employer and employee, or group of employees, involving the interpretation or application of a collective bargaining agreement which shall have as its terminal step final and binding disposition by an impartial neutral, mutually selected by the parties; provided, however, that a neutral shall not have the power to add to, subtract from, modify or alter the terms of a collective bargaining agreement. If an employee organization is certified as the bargaining agent of a unit, the grievance procedure then in existence may be the subject of collective bargaining, and any agreement which is reached shall supersede the previously existing procedure.

Senate Amendment 10—

On page 20 line 2 strike
terms and conditions of employment

and insert:

matters within the scope of negotiations

Senate Amendment 11—

On page 21 line 3

insert:

after the word "be"
discussed further by the parties in negotiations and
shall be

Senate Amendment 12—

On page 21 line 16

insert:

after the word "organization"
or chief executive officer

Senate Amendment 13—On page 21 line 10 strike
shall

and insert:

or the labor organization may

Senate Amendment 14—On page 23 line 30
before the semi-colon (;)

insert:

, or from interfering with, restraining or coercing
managerial employees or supervisors for reason of their
performance of job duties or other activities undertaken
in the interests of the public employer

Senate Amendment 15—On page 24, line 11
after the word "against" strike the word "a"

and insert:

"the"

Senate Amendment 16—

On page 24 between lines 14 and 15

insert a new subsection:

(f) Instigating or advocating support, in any posi-
tive manner, for an employee organization's activities
from high school or grade school students, or insti-
tutions of higher learning, during classroom time.

Senate Amendment 17—On page 30 line 19 and 20 strike
In no event shall the fine exceed five thousand dollars
(\$5,000).**Senate Amendment 18—**On page 34 line 8 thru 22 strike
all of Section 447.022 and renumber subsequent section**Senate Amendment 19—**On page 33 line 1 thru 3 strike
all of lines 1 thru 3

and insert:

Employer and employee organizations, their members,
agents, representatives, or any persons acting on or
against their behalf are hereby prohibited from:

Senate Amendment 22—On page 12 lines 9—16 strike
everything

and insert:

organization which has been certified as a bargaining
agent shall, upon request, have its dues and uniform

assessments deducted and collected by the employer
from the salaries of those employees who authorize
the deduction of said dues and uniform assessments;
provided that such authorization is revocable at the
employee's will upon thirty (30) days written notice
to the employer and employee organization; provided
that reasonable costs to the employer of said deductions
shall be a proper subject of collective bargaining. Such
deduction shall be in force during the term of the collec-
tive bargaining agreement.

Senate Amendment 26—

On page 34 line 8

insert:

447.022 Prior agreements.—All public employee
agreements now in existence shall remain in effect until
their expiration.

Senate Amendment 27—On page 34 strike
lines 29 through 31

and insert:

(2) The tentative collective bargaining agreement
shall be made available to the public at least fifteen
days prior to the date on which said agreement is
submitted for ratification to the legislative body.

Senate Amendment 30—On page 35, after section 4, insert new section 5 and
re-number subsequent sections:

and insert:

Section 5. The legislature shall retain the right to
approve, amend or rescind all rules promulgated by the
commission pursuant to this act. In the absence of
legislative action to the contrary, all rules shall have
full force and effect upon their approval by the com-
mission.

Senate Amendment 33—On page 19 strike
lines 13 through 25

and insert:

447.011. Grievance Procedures.—

Each public employer and bargaining agent shall
negotiate a grievance procedure to be used for the
settlement of disputes between employer and employee,
or group of employees, involving the interpretation or
application of a collective bargaining agreement. Such
grievance procedure shall have as its terminal step
final and binding disposition by an impartial neutral,
mutually selected by the parties; provided, however,
that a neutral shall not have the power to add to, sub-
tract from, modify or alter the terms of a collective
bargaining agreement. If an employee organization is
certified as the bargaining agent of a unit, the griev-
ance procedure then in existence may be the subject
of collective bargaining, and any agreement which is
reached shall supersede the previously existing pro-
cedure.

Senate Amendment 35—

On page 19 line 30

at the end of Section 447.011 insert the following:

All public employees shall have the right to a fair
and equitable grievance procedure, administered without
regard to membership or non-membership in any or-
ganization.

Senate Amendment 39—On page 1 in the title
between lines 31 and 32

insert:

providing for preservation of prior agreements;

Senate Title Amendment 40—

On page 1 in the title line 32 strike
providing for a local option;

Senate Amendment 41—

On page 1 in the title line 16
after the word commerce

insert:

; providing for legislative review of commission rules;

On motion by Senator de la Parte by two-thirds vote the Conference Committee Report was read the second time.

Senator de la Parte moved that the Report of the Conference Committee as an entirety be adopted.

Senator Graham moved as a substitute motion that the Conference Committee Report be rejected and the bill be returned to conference and the conferees instructed to adopt the philosophy of Senate Amendments 4, 7 and 10. The motion failed by the following vote:

Yeas—18

Barron	Lewis	Sayler	Ware
Deeb	Peterson	Sims	Weber
Graham	Plante	Stolzenburg	Wilson
Henderson	Poston	Trask	
Lane (31st)	Saunders	Vogt	

Nays—19

Mr. President	Gallen	Lane (23rd)	Sykes
Brantley	Gillespie	McClain	Williams
Childers	Glisson	Myers	Winn
de la Parte	Gruber	Scarborough	Zinkil
Firestone	Johnston	Smathers	

PAIR

The following pair was announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Pettigrew on the foregoing substitute motion.

If he were present he would vote "Nay" and I would vote "Yea."

Jack Gordon, 35th District

The question recurred on the adoption of the Conference Committee Report which was adopted by the following vote:

Yeas—30

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

Nays—8

Barron	Henderson	Sayler	Ware
Deeb	Lane (31st)	Stolzenburg	Weber

On motion by Senator de la Parte, HB 2028 passed as recommended and was certified to the House. The vote was:

Yeas—29

Mr. President	Gordon	Peterson	Vogt
Brantley	Graham	Plante	Williams
Childers	Johnson	Poston	Wilson
de la Parte	Johnston	Scarborough	Winn
Firestone	Lane (23rd)	Sims	Zinkil
Gallen	Lewis	Smathers	
Gillespie	McClain	Sykes	
Glisson	Myers	Trask	

Nays—7

Deeb	Lane (31st)	Stolzenburg	Weber
Henderson	Sayler	Ware	

The Honorable Mallory E. Horne, President May 23, 1974

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

By the Committee on Ways and Means—

SB 1100—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1974 and ending June 30, 1975, to pay salaries, other expenses, capital outlay-buildings and improvements, and for other specified purposes of the various agencies of state government; suspending sections 216.262, 216.292, 216.301(2), 27.34(1), and 215.32(2)(c), F.S.; providing an effective date.

**original*
(amendments attached)

—and requests the concurrence of the Senate.

Allen Morris, Clerk

The House amendments constituted an entirely new bill and pursuant to Rule 7.6 were not spread on the Journal.

On motion by Senator Saunders, the Senate refused to concur in the House amendments to SB 1100 and a Conference Committee was requested to adjust the differences between the House and the Senate. The action of the Senate was certified to the House.

The Senate resumed Special Order.

SB 642—A bill to be entitled An act relating to the appropriation of funds for the construction of parking garages at the j. hillis miller health center; to provide parking for patients, visitors and employees of the health center; providing for repayment of the appropriation from revenues received from the facilities; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendment which was moved by Senator Saunders and adopted:

Amendment 1—On page 1, line 17, strike "advertise and accept bids" and insert: select and contract with an architect, in accordance with the procedures of the consultants competitive negotiations act, for the preparation of plans from which the board of regents may advertise, accept bids, and enter into contracts for the construction of parking facilities.

Senators Saunders and Williams offered the following amendments which were moved by Senator Saunders and adopted:

Amendment 2—On page 1, strike lines 13 and 14 and insert: Section 1. The Board of Regents is hereby authorized to expedite the construction of parking

Amendment 3—On page 1, line 8, strike "of the appropriation"

On motion by Senator Saunders, by two-thirds vote SB 642 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—26

Mr. President	Gillespie	Myers	Trask
Barron	Gordon	Peterson	Williams
Brantley	Graham	Plante	Wilson
Childers	Johnson	Poston	Winn
de la Parte	Lane (31st)	Saunders	Zinkil
Firestone	Lane (23rd)	Sayler	
Gallen	McClain	Sykes	

Nays—8

Deeb	Johnston	Smathers	Ware
Glisson	Scarborough	Stolzenburg	Weber

By unanimous consent Senators Lewis, Gruber and Vogt were recorded as voting yea.

Consideration of SB 904 was deferred.

On motion by Senator Saunders, the rules were waived and SB 1068 was ordered immediately certified to the House after engrossing.

SB 817 was taken up and on motion by Senator de la Parte—

HB 4050—A bill to be entitled An act relating to affairs of decedents, missing persons, minors, incompetent persons and certain others; creating sections 731.101 through 731.303, 732.101 through 732.1010, 733.101 through 733.903, 734.101 through 734.202, 735.101 through 735.302 and 737.101 through 737.615, Florida Statutes; providing for the consolidation and revision of the law relating to wills and intestacy and the administration and distribution of estates of decedents, missing persons, minors, incapacitated and certain others; providing for the powers and procedures of the court concerned with the affairs of decedents and certain others; providing for the validity and effect of certain non-testamentary transfers and contracts; providing certain procedures to facilitate enforcement of testamentary and other trusts; creating sections 744.101 through 744.507, Florida Statutes; providing for guardianship of certain persons; providing for the powers and duties of a guardian and the court; providing for guardianship procedure; creating section 28.223, Florida Statutes; providing for recording probate records; creating section 709.08, Florida Statutes, providing for a power of attorney not affected by incompetence; repealing sections 731.01 through 731.37, sections 732.01 through 732.69, sections 733.01 through 733.54, sections 734.01 through 734.40, sections 735.01 through 735.15, sections 736.01 through 736.31, sections 737.01 through 737.28, sections 744.01 through 744.73, sections 745.01 through 745.33, and sections 746.01 through 746.17, Florida Statutes, 1973; relating to Florida probate law, small estates, miscellaneous probate provisions, trust accounting law, and Florida guardianship law; repealing sections 690.01 through 690.15, and 691.01 through 691.22, Florida Statutes, 1973, relating to the uniform principal and income law, uniform trust administration law and the charitable trust act; providing an effective date.

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

On motion by Senator de la Parte, by two-thirds vote HB 4050 was read the third time by title.

Senator Saunders presiding

Senator Ware moved the following amendment:

Amendment 1—On page 214, strike entire lines 1—28

Amendment 1 was adopted by the following vote:

Yeas—25

Barron	Henderson	Poston	Ware
Brantley	Johnston	Saunders	Williams
Childers	Lane (31st)	Scarborough	Wilson
Deeb	Lane (23rd)	Smathers	Zinkil
Firestone	McClain	Stolzenburg	
Glisson	Peterson	Sykes	
Gruber	Plante	Vogt	

Nays—7

de la Parte	Gillespie	Johnson	Winn
Gallen	Graham	Lewis	

On motion by Senator de la Parte HB 4050 as amended was read by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Gallen	Johnson	Peterson
Barron	Gillespie	Johnston	Plante
Brantley	Glisson	Lane (31st)	Poston
Childers	Gordon	Lane (23rd)	Saunders
Deeb	Graham	Lewis	Scarborough
de la Parte	Gruber	McClain	Smathers
Firestone	Henderson	Myers	Stolzenburg

Sykes
Trask

Vogt
Ware

Williams
Wilson

Winn
Zinkil

Nays—None

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

SB 973 was taken up, together with:

By the Committee on Criminal Justice—

CS for SB 973—A bill to be entitled An act relating to investigators employed by state attorneys; amending section 23.061, Florida Statutes, defining state attorney investigator; amending sections 23.067(1), (3), (5), (6) and (7), 23.068, 23.078(1)(b), Florida Statutes, providing for inclusion of the state attorney investigators; creating section 23.079, Florida Statutes, providing a saving clause for state attorney investigators; amending section 27.255, Florida Statutes, providing for the power of arrest, qualifications, rights, immunities, bond and oath for investigators employed by the state attorneys; providing an effective date.

—which was read the first time by title and SB 973 was laid on the table.

On motion by Senator McClain, by two-thirds vote CS for SB 973 was read the second time by title.

Senator McClain moved the following amendments which were adopted:

Amendment 1—On page 1, line 20 through page 4, line 19, strike all of section 1 through and including section 6.

(Renumber subsequent sections.)

Amendment 2—On page 5, line 18, strike "board" and insert: council

Amendment 3—In title, lines 5—12, strike "amending section 23.061, Florida Statutes, defining state attorney investigators; amending sections 23.067(1), (3), (5), (6) and (7), 23.068, 23.076, Florida Statutes, providing for inclusion of the state attorney investigators; creating section 23.079, Florida Statutes, providing a saving clause for state attorney investigators;"

On motion by Senator McClain, by two-thirds vote CS for SB 973 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—34

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

Nays—None

On motion by Senator Sykes, the rules were waived and CS for SB 973 was ordered immediately certified to the House after engrossing.

The President presiding

HB 2407—A bill to be entitled An act relating to self-service gasoline stations; providing for self-service gasoline stations; providing for the insurance commissioner as state fire marshal to promulgate rules and regulations for self-service gasoline stations; amending sections 526.121, Florida Statutes, to allow a rate differential between self-service pumps and attendant controlled pumps; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator Brantley and adopted:

Amendment 1—On page 2, lines 26 and 27, strike “The equipment shall be a self-service dispensing device as” and insert: All self-service equipment used to dispense gasoline shall be

On motion by Senator Plante, by two-thirds vote HB 2407 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—28

Mr. President	Gruber	Myers	Sykes
Brantley	Henderson	Peterson	Trask
Deeb	Johnson	Plante	Vogt
de la Parte	Johnston	Sayler	Ware
Gillespie	Lane (31st)	Scarborough	Weber
Glisson	Lewis	Sims	Wilson
Graham	McClain	Smathers	Zinkil

Nays—9

Firestone	Lane (23rd)	Stolzenburg	Winn
Gallen	Poston	Williams	
Gordon	Saunders		

By unanimous consent Senator Childers was recorded as voting yea; Senator de la Parte changed his vote from yea to nay.

By unanimous consent Senator Smathers was recorded as voting yea on SB 689 which passed the Senate May 22.

The President announced the appointment of Senators Saunders, Williams, Plante, Myers, Graham, Childers, Lane (31st) and Vogt as Senate conferees on SB 1100. The Committee was excused to organize into subcommittees.

On motion by Senator Saunders, Rule 2.5 was waived and the Committee on Ways and Means was granted permission to consider CS for SB 807, HB 4026 and SB 905 this day.

SB 959 was taken up, together with:

By the Committee on Criminal Justice—

CS for SB 959—A bill to be entitled An act relating to involuntary sexual battery; repealing present Chapters 794, 798, and 800, Florida Statutes, except sections 794.05, 800.03 and 800.04; creating Chapter 794, Florida Statutes; providing definitions; establishing degrees of involuntary sexual battery; providing penalties; providing an effective date.

—which was read the first time by title and SB 959 was laid on the table.

On motion by Senator Wilson, by two-thirds vote CS for SB 959 was read the second time by title.

Senators Wilson, Zinkil and McClain offered the following amendment which was moved by Senator Wilson:

Amendment 1—On page 3, strike all of lines 18 through 21 and insert: (1) A person of the age of eighteen (18) years or older who commits sexual battery upon, or injures the sexual organs of a person ten (10) years or younger in an attempt to commit sexual battery upon said person commits a capital felony punishable as provided in section 775.082 and 921.141. If the offender is under the age of eighteen (18), that person shall be guilty of a life felony, punishable as provided in Chapter 775.

Senator Smathers moved the following substitute amendment which failed:

Amendment 2—On page 3, strike all of lines 18—21 and insert: (1) Whoever of the age of seventeen years or older unlawfully ravishes or carnally knows a child under the age of eleven is guilty of a capital felony, punishable as provided in §775.082.

(2) It shall not be necessary to prove the actual emission of seed, but the crime shall be deemed complete upon proof of penetration only.

The question recurred on Amendment 1 which was adopted.

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

Amendment 3—On page 1, line 15, between sections 794.05 and section 800.03 insert: 800.02

Senator Johnston moved the following amendment which was adopted:

Amendment 4—On page 3, lines 19, 23 and 29, strike “ten (10)” and Page 4, line 22 and Page 5, line 2 strike “ten (10)” and insert: eleven (11)

Senator Johnston moved the following amendment which failed:

Amendment 5—On page 2, strike lines 18 and 19

Senator Smathers moved the following amendment which was adopted:

Amendment 6—On page 3, lines 4 and 10, strike “794.02” and insert: 794.021

On motion by Senator Wilson, by two-thirds vote, CS for SB 959 as amended was read the third time by title.

Senator Sayler withdrew his name as a co-introducer of SB 959.

Senator Lewis moved the following amendment which was adopted by two-thirds vote:

Amendment 7—On page 1, line 14, strike “798”

Senator Lewis moved the following title amendment which was adopted:

Amendment 8—On page 1, line 5, strike “798,” and on line 6 after “794.05”, insert: 800.02

Senators Deeb and de la Parte offered the following amendment which was moved by Senator Deeb:

Amendment 9—On page 4, lines 6—7, strike “likely to cause serious personal injury”

Senator de la Parte moved the following substitute amendment which was adopted by two-thirds vote:

Amendment 10—On page 5, line 5, strike “second” and insert: third

On motion by Senator Barron, the rules were waived and time of adjournment was extended until final action on CS for SB 959.

Senator Ware moved that the Senate reconsider the vote by which Amendment 10 was adopted and the motion failed.

CS for SB 959 as further amended was read by title, passed and ordered engrossed. The vote was:

Yeas—28

Mr. President	Glisson	McClain	Trask
Brantley	Graham	Myers	Vogt
Deeb	Gruber	Peterson	Weber
de la Parte	Henderson	Poston	Williams
Firestone	Johnson	Sayler	Wilson
Gallen	Lane (23rd)	Stolzenburg	Winn
Gillespie	Lewis	Sykes	Zinkil

Nays—8

Barron	Gordon	Scarborough	Smathers
Childers	Johnston	Sims	Ware

On motion by Senator Scarborough, the rules were waived and CS for SB 973 was ordered immediately certified to the House after engrossing.

The Journal of May 22 was corrected and approved.

The Journal of May 21 was corrected and approved as follows:

Page 454, column 1, strike line 4 and insert: fidential until a recommendation is filed by the commission

On motion by Senator Barron, the Senate adjourned at 5:05 p.m. to convene at 9:00 a.m., May 24, 1974.