

# JOURNAL OF THE FLORIDA SENATE

Monday, May 26, 1975

The Senate was called to order by the President at 2:00 p.m.  
A quorum present—40:

Mr. President	Graham	Myers	Stolzenburg
Brantley	Hair	Peterson	Thomas, J.
Childers, D.	Henderson	Plante	Thomas, P.
Childers, W. D.	Holloway	Poston	Tobiassen
Deeb	Johnston	Renick	Trask
Dunn	Lane, D.	Saunders	Vogt
Firestone	Lane, J.	Saylor	Ware
Gallen	Lewis	Scarborough	Wilson
Glisson	MacKay	Sims	Winn
Gordon	McClain	Spicola	Zinkil

Prayer by the Senate Chaplain:

Our God, as we stand in reverence before your presence this Memorial Day we humbly remember those whose lives have been poured out that this freedom may be ours.

We humans our God have displayed brilliance scientifically and technologically so that we can move mountains and traverse space to walk the moon. We have made for ourselves a phenomenal world of accomplishments and for all these we thank you.

But we have not yet learned to love our neighbors as we love ourselves. We have not discovered the skills to resolve the human dilemma.

How much more difficult for us our God the affairs of the heart over those of the head!

Grant us the will to spend as much time developing stronger and better human relations as we have done in laboratories developing technologies.

God, may the days of violence in human affairs come to an end. We want to forget some of the terrors but would pray the words of an army chaplain:

"Let me forget — Let me forget,  
I am weary of remembrance,  
And my brow is ever wet  
With tears of my remembrance,  
With the tears and bloody sweat —  
Let me forget —

"If we forget — If we forget  
Then your children must remember .  
And their brow be ever wet  
With the tears of their remembrance  
With the tears and bloody sweat  
If we forget."

Amen.

The Senate pledged allegiance to the flag of the United States of America.

## REPORTS OF COMMITTEES

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

SB 235 with amendment      SB 876

The Committee on Judiciary-Civil recommends the following pass:

HB 370      HB 371 with 2 amendments

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

The Committee on Commerce recommends the following pass:

HB 43      SB 856 with 2 amendments  
HB 1799 with 2 amendments      SB 913  
SB 445 with 2 amendments      SB 1241

The Committee on Health and Rehabilitative Services recommends the following pass: SB 1027

The Committee on Judiciary-Civil recommends the following pass: SB 693 with 3 amendments

The Committee on Judiciary-Criminal recommends the following pass: SB 1315 with 3 amendments

The Committee on Rules and Calendar recommends the following pass: SJR 855

The Committee on Transportation recommends the following pass:

SB 1220      SB 944 with 1 amendment      SB 1309

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

The Committee on Commerce recommends the following pass:

HB 548      SB 819      SB 1265 with 2 amendments

The Committee on Judiciary-Civil recommends the following pass:

SB 987

The bills contained in the foregoing reports were referred to the Committee on Governmental Operations under the original reference.

The Committee on Health and Rehabilitative Services recommends the following pass: SB 1260 with 3 amendments

The bill was referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Commerce recommends the following pass: SB 1156 with 3 amendments

The Committee on Health and Rehabilitative Services recommends the following pass: SB 1294 with 5 amendments

The bills contained in the foregoing reports were referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Agriculture recommends the following pass: CS for HB's 22, 62, & 116 with 4 amendments

The Committee on Commerce recommends the following pass:

HB 372	SB 988
HB 386	SB 1141
HB 559	SB 1168
HB 1087 with 10 amendments	SB 1195 with 1 amendment
HB 1309	SB 1293
HB 1322	SB 1308
HB 1577	HB 425
HB 1829 with 1 amendment	HB 798
SB 34	HB 1731
SB 96	HB 2093
SB 527	SB 291
SB 591 with 5 amendments	SB 532 with 2 amendments
SB 777 with 2 amendments	SB 556
SB 880 with 2 amendments	SB 1031
SB 911	SB 1043
SB 976	SB 1166
SB 984	

The Committee on Education recommends the following pass: SB 663 with 7 amendments

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

SB 451 with 2 amendments      SB 973 with 1 amendment

The Committee on Judiciary-Civil recommends the following pass:

SB 577	CS for HB 228 with 2
SB 893	amendments
SB 954 with 1 amendment	HB 505
SB 980	HB 627
SB 1032	HB 747
SB 1296 with 2 amendments	HB 823
HB 74	HB 1924
	HB 222

The Committee on Judiciary-Criminal recommends the following pass:

SB 264 with 2 amendments      SB 701      HB 2034

The Committee on Rules and Calendar recommends the following pass:

SM 1120 with 1 amendment      HCR 1765  
SJR 999 with 1 amendment      HM 1916

The Committee on Transportation recommends the following pass: HB 462 with 1 amendment

The Committee on Ways and Means recommends the following pass:

SB 119      SB 520  
SB 185 with 1 amendment      HB 335  
SB 325

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

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 841

The bill with Committee Substitute attached was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 297

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 1310

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

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 899

The bill with Committee Substitute attached was referred to the Committee on Education under the original reference.

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 1173

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

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 758 with 4 amendments

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 696

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 312 [SBs 466, 689, 922 and 1218]

The Committee on Judiciary-Civil recommends a Committee Substitute as recommended by the Committee on Agriculture for the following: SB 1221 with 1 amendment

The Committee on Rules and Calendar recommends a Committee Substitute for the following: SJR 1061

The Committee on Ways and Means recommends a Committee Substitute as recommended by the Committee on Transportation for the following: SB 42

The Committee on Ways and Means recommends a Committee Substitute as recommended by the Committee on Education for the following: SB 509 with 2 amendments

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

The Committee on Commerce recommends the following not pass:

SB 726      SB 1073      SB 1105

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

SB 925      SB 1016      SB 1253

The Committee on Judiciary-Criminal recommends the following not pass:

SB 900      SB 1033      SB 1117

The Committee on Commerce recommends the following not pass: SB 1262

The Committee on Ways and Means recommends the following not pass: SB 646

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

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Monday, May 26, 1975:

SB 750	SB 400	HB 85	SB 937
HB 1355	SB 563	HB 163	HB 104
CS for SB 708	SB 733	HB 10	HB 114
SB 330	SB 370	SB 1183	HB 117
SB 16	SB 371	SB 741	SB 357
SB 158	SB 377	SB 259	HB 193
SB 550	SB 1131	SB 430	
SB 280	CS for HB 545	SB 488	
SB 289	HB 541	CS for HB 222	

*Respectfully submitted,  
Lew Brantley, Chairman*

#### ENGROSSING REPORTS

Your Engrossing Clerk has incorporated amendments to—

SB 112      SB 175      CS for SB 340

*Joe Brown, Secretary*

The bills were certified to the House.

Your Engrossing Clerk has incorporated amendments to SB 505 and SB 1102.

*Joe Brown, Secretary*

The bills were immediately certified to the House.

#### ENROLLING REPORTS

SCR 214 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on May 26, 1975.

*Joe Brown, Secretary*

SB 629 has been enrolled, signed by the required Constitutional Officers and filed with the Governor on May 26, 1975.

*Joe Brown, Secretary*

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motions by Senator Myers, by two-thirds vote Senate Bills 895 and 966 were withdrawn from the Committee on Ways and Means.

On motions by Senator Myers, by two-thirds vote Senate Bills 590, 806, 557, 819, 1265 and 1107 were withdrawn from the Committee on Governmental Operations.

On motion by Senator Myers, Rule 2.6 was waived and the Committee on Governmental Operations was granted permission to consider SB 241 this day.

On motion by Senator Poston, by two-thirds vote SB 1109 was withdrawn from the Committee on Transportation and placed on the calendar.

On motions by Senator Poston, by two-thirds vote SB 1181 was withdrawn from the Committees on Governmental Operations, Education and Ways and Means and indefinitely postponed.

On motion by Senator Winn, by two-thirds vote SB 51 was withdrawn from the Committee on Ways and Means and placed on the calendar.

On motion by Senator Zinkil, by two-thirds vote HB 1263 was withdrawn from the Committee on Governmental Operations and placed on the calendar.

On motion by Senator Peterson, by two-thirds vote SB 1069 was withdrawn from the Committee on Ways and Means and placed on the calendar.

On motion by Senator P. Thomas, by two-thirds vote SB 1173 was withdrawn from the Committee on Ways and Means and placed on the calendar.

On motion by Senator Wilson, by two-thirds vote SB 700 was withdrawn from the Committee on Education and indefinitely postponed.

On motion by Senator Wilson, by two-thirds vote SB 795 was withdrawn from the Committees on Governmental Operations and Ways and Means and indefinitely postponed.

On motion by Senator Vogt, by two-thirds vote HB 1908 was withdrawn from the Committees on Commerce and Transportation.

On motion by Senator Scarborough, by two-thirds vote SB 409 was withdrawn from the Committee on Judiciary-Criminal and placed on the calendar.

On motion by Senator W. D. Childers, Rule 2.6 was waived and the Committee on Commerce was granted permission to meet from 5:00 to 10:00 p.m. instead of 5:00 to 7:00 p.m. May 27 as previously scheduled.

On motion by Senator W. D. Childers, Rule 2.6 was waived and the Committee on Commerce was authorized to consider Senate Bills 658 and 297 at the meeting May 27.

Senator Sims moved that SJR 298 be withdrawn from the Committee on Rules and Calendar. The motion failed.

On motion by Senator Scarborough, by two-thirds vote SB 1215 was withdrawn from the Committee on Judiciary-Criminal and placed on the calendar.

On motion by Senator J. Thomas, by two-thirds vote SB 1282 was withdrawn from the Committee on Ways and Means.

**REQUEST FOR EXTENSION OF TIME**

The Committee on Governmental Operations requests an extension of 12 days for the consideration of the following:

HB 422 by Representative Langley	SB 422 by Senator Hair
SB 338 by Senator McClain	SB 431 by Senator Hair
SB 386 by Senator Zinkil	SB 432 by Senator Holloway
	SB 433 by Senator Holloway

**MESSAGE FROM THE GOVERNOR**

The Governor advised that he had filed in the office of the Secretary of State Senate Bills 19, 260 and 352 which he had approved May 23 and CS for SB 123, Senate Bills 83 and 87 which he had approved May 22.

**Conference Committee appointed on HB 2100**

The President announced the appointment of Senators W. D. Childers, Gordon, Lewis, Plante, Spicola, Saunders and J. Thomas as conferees on HB 2100 and Senator P. Thomas as alternate.

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

*The Honorable Dempsey J. Barron, President* May 22, 1975

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

By Senators Peterson and J. Thomas—

SB 65—A bill to be entitled An act relating to legal notice of tax increase; amending s.200.065(3)(a), Florida Statutes, 1974 Supplement; providing that advertisements appear in newspapers that are published at least 5 days a week instead of 6 days a week; providing for manner and form of publication; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**House Amendment 2**—On page 2, line 5, insert: after the word "taxes": *by (percentage of increase over certified millage) %*

**House Amendment 3**—On page 2, line 7, after the period (.) insert: Section 2. The advertising required by the provisions of s.200.065 (3)(a), Florida Statutes, shall not be required when the total millage levied does not exceed the district required local effort under the provisions of chapter 236, Florida Statutes.

(and renumber subsequent section)

On motions by Senator Peterson, the Senate concurred in House amendments 2 and 3 to SB 65.

SB 65 passed as amended by the House amendments, was ordered engrossed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Hair	Peterson	Thomas, P.
Brantley	Henderson	Plante	Tobiassen
Childers, D.	Holloway	Poston	Trask
Childers, W. D.	Johnston	Renick	Vogt
Deeb	Lane, D.	Saylor	Ware
Dunn	Lane, J.	Scarborough	Wilson
Gallen	Lewis	Sims	Winn
Glisson	MacKay	Spicola	Zinkil
Gordon	McClain	Stolzenburg	
Graham	Myers	Thomas, J.	

Nays—None

By unanimous consent Senator Firestone was recorded as voting yea.

*The Honorable Dempsey J. Barron, President* May 22, 1975

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

By Senator Henderson—

SB 107—A bill to be entitled An act relating to the Beverage Law; amending s.562.13, Florida Statutes; providing persons under 17 years of age may be employed as actors, actresses or musicians in bona fide dinner theaters in which alcoholic beverages are served; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 1—On page 2, line 30, strike all of line 30 and insert: Section 2. Subsection (2) of section 561.22, Florida Statutes, is amended to read:

561.22 Licensing manufacturers, distributors and exporters as vendors prohibited.—

(1) Except as hereinafter provided, any applicant may receive a license as a manufacturer, distributor or exporter, but no license shall be issued to a manufacturer, distributor, or exporter as a vendor, nor shall any license be issued to a vendor as a manufacturer, distributor or exporter.

(2) (a) If any applicant for a vendor's license or renewal thereof shall be an individual ~~or copartnership~~, such individual ~~or copartnership~~ shall be deemed within the provisions of subsection (1) in the event the individual ~~or any member of the copartnership~~ is interested or connected, directly or indirectly, with any corporation which is engaged, directly or indirectly, or through any subsidiary or affiliate corporation, including any stock ownership *exceeding one percent* as set forth in subsection (3) in manufacturing, distributing or exporting alcoholic beverages under a license of this state or any state of the United States.

(b) *If any applicant for a vendor's license or renewal thereof shall be a copartnership, such copartnership shall be deemed within the provisions of subsection (1) in the event any member of the copartnership is interested or connected, directly or indirectly, with any corporation which is engaged, directly or indirectly, or through any subsidiary or affiliate corporation, including any stock ownership as set forth in subsection (3) in manufacturing, distributing or exporting alcoholic beverages under a license of this state or any state of the United States.*

(3) If any applicant for a vendor's license or the renewal thereof be a corporation, such corporation shall be deemed within the provisions of subsection (1) when such corporation is affiliated with, directly or indirectly, any other corporation which is engaged in manufacturing, distributing or exporting alcoholic beverages under a license of this state or any other state of the United States, or when such applicant corporation is controlled by or the majority stock therein owned by another corporation, which latter corporation owns or controls in any way the majority stock or controlling interest in any other corporation that is engaged, directly or indirectly, in manufacturing, distributing or exporting alcoholic beverages under a license in this state or any other state in the United States.

Section 3. This act shall take effect on October 1, 1975.

Amendment 2—On page 1 in title, line 9, strike "providing an effective date." and insert: amending 561.22, Florida Statutes, by establishing subsections (a) and (b) to provide that an individual who applies for a vendor's license or renewal thereof may possess stock not to exceed one percent in corporations that manufacture, distribute or export alcoholic beverages; providing an effective date.

On motions by Senator Henderson, the Senate concurred in House amendments 1 and 2 to SB 107.

SB 107 passed as amended by the House amendments, was ordered engrossed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

Mr. President	Henderson	Myers	Thomas, J.
Brantley	Holloway	Plante	Thomas, P.
Childers, D.	Johnston	Poston	Trask
Dunn	Lane, D.	Renick	Vogt
Gallen	Lane, J.	Sayler	Ware
Glisson	Lewis	Scarborough	Wilson
Gordon	MacKay	Spicola	Winn
Graham	McClain	Stolzenburg	

Nays—5

Childers, W. D.	Peterson	Tobiassen	Zinkil
Hair			

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

*The Honorable Dempsey J. Barron, President* May 22, 1975

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1 and 2 to:

By Representatives Hazelton and Price—

HB 210—A bill to be entitled An act relating to the justifiable use of force; amending s.776.05, Florida Statutes, authorizing law enforcement officers and certain persons acting by their command to use deadly force when retaking or arresting a fleeing felon; providing an effective date.

and requests the Senate to recede.

*Allen Morris, Clerk*

On motions by Senator Deeb the Senate receded from Senate Amendments 1 and 2. HB 210 was read by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Graham	Myers	Thomas, J.
Brantley	Hair	Peterson	Thomas, P.
Childers, D.	Henderson	Poston	Tobiassen
Childers, W. D.	Holloway	Renick	Vogt
Deeb	Johnston	Sayler	Ware
Dunn	Lane, D.	Scarborough	Wilson
Firestone	Lane, J.	Sims	Winn
Gallen	Lewis	Spicola	Zinkil
Glisson	McClain	Stolzenburg	

Nays—None

*The Honorable Dempsey J. Barron, President* May 26, 1975

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

By Senator J. Lane (23rd)—

SB 2—A bill to be entitled An act relating to the Florida Uniform Traffic Control Law; creating s.316.165, Florida Statutes; providing that state, county and municipal governments provide specially designed and marked motor vehicle parking spaces for the use of totally and permanently disabled persons who must use a wheelchair for mobility; providing specifications for such parking spaces and for the erection of appropriate signs; providing a penalty; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

House Amendment 1—On page 1, lines 26 & 27, strike "who must use a wheelchair for mobility and"

House Amendment 2—On page 2, line 27, strike "WHEELCHAIR"

House Amendment 3—On page 3, lines 2 & 3, strike "who must use a wheelchair and"

**House Amendment 4**—On page 1, lines 11 & 12 in the title strike “who must use a wheelchair for mobility”

On motions by Senator J. Lane, the Senate refused to concur in House amendments 1, 2, 3 and 4 to SB 2, and the House was requested to recede therefrom. The action, with the bill and amendments, was certified to the House.

*The Honorable Dempsey J. Barron, President* May 23, 1975

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments and passed CS for HB 583, as amended.

*Allen Morris, Clerk*

*The Honorable Dempsey J. Barron, President* May 22, 1975

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1, 2, 3, 6, 10 and 12 and passed HB 1147, as amended.

*Allen Morris, Clerk*

*The Honorable Dempsey J. Barron, President* May 23, 1975

I am directed to inform the Senate that the House of Representatives has passed SB 311.

*Allen Morris, Clerk*

*The Honorable Dempsey J. Barron, President* May 26, 1975

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

CS for SB 308	SB 388	SB 657
SB 316	SB 363	SB 252
SB 89	SB 183	

*Allen Morris, Clerk*

The bills contained in the above messages were ordered enrolled.

*The Honorable Dempsey J. Barron, President* May 19, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 719 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Avon—

**HB 719**—A bill to be entitled An act relating to Broward County; authorizing the issuance of an alcoholic beverage license to the Broward County department of transportation or other governmental agency operating Fort Lauderdale-Hollywood international airport; providing for application; providing for transfer; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

*The Honorable Dempsey J. Barron, President* May 20, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2099 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Select Committee on Standards & Conduct and Representative McPherson and others—

**HB 2099**—A bill to be entitled An act relating to public officers, employees, and candidates for public office; amending s. 11.26(1), Florida Statutes, relating to employees of the Legislature, modifying restrictions on employment; adding subsections (6) and (7) to s.112.311, Florida Statutes, 1974 Supplement; providing additional responsibilities of public officers and employees; providing that public officers and employees shall avoid even the impression of corruptibility; amending s.112.312(1), Florida Statutes, 1974 Supplement, and adding

new subsections (4), (7), (11), and (12); expanding the definition of “agency”; defining the terms “commission,” “materially affected,” “conflict of interest,” and “corruptly”; amending s.112.313, Florida Statutes, 1974 Supplement; defining “public officer”; establishing standards of conduct for public officers and employees relating to conflicting gifts, doing business with one’s agency, unauthorized compensation, salary and expenses, misuse of public position, conflicting employment or contractual relationship, disclosure or use of information not generally available to the public, disclosure of specified interests, and employees holding office; removing provisions relating to ownership interests in business entities; amending s.112.3141, Florida Statutes, 1974 Supplement, providing additional standards of conduct for legislative employees; creating s.112.3143, Florida Statutes, providing that public officers shall abstain from voting on certain matters by reason of conflict; creating s.112.3155, Florida Statutes, providing post-employment and post-office-holding restrictions; amending s.112.317, Florida Statutes, 1974 Supplement, providing penalties; creating s.112.3175, Florida Statutes, providing remedies; creating s.112.3185, Florida Statutes, establishing procedural standards with regard to ex parte communications; amending s.286.012, Florida Statutes, relating to voting requirements at meetings of governmental bodies, to conform section references to chapter 112, Florida Statutes; providing for applicability to certain persons holding office on the effective date of the act; repealing s.112.323, Florida Statutes, 1974 Supplement, concerning applicability of the code of ethics to legislators and legislative employees; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Judiciary-Civil.

*The Honorable Dempsey J. Barron, President* May 22, 1975

I am directed to inform the Senate that the House of Representatives has adopted HCR 2254 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Agriculture and General Legislation and others—

**HCR 2254**—A concurrent resolution proclaiming May 22, 1975, as Masonic Day.

—was read the first time in full and referred to the Committee on Rules and Calendar.

*The Honorable Dempsey J. Barron, President* May 21, 1975

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

HB 736	HB 1361	HB 1377
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—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative McKnight and others—

**HB 736**—A bill to be entitled An act relating to juveniles; adding a new subsection (6) to s.39.02, Florida Statutes, and adding a new subsection (8) to s.39.11, Florida Statutes; authorizing the circuit court, upon recommendation by the Department of Health and Rehabilitative Services, to order the natural parents or legal guardians to participate in family counseling and other professional counseling activities necessary for the correction of a child; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

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

**HB 1361**—A bill to be entitled An act relating to licensing of health care facilities; amending section 381.493(3)(d) and (h), Florida Statutes, and adding paragraphs (j) and (k), providing definitions; amending section 381.494, Florida Statutes, requiring a certificate of need study for ambulatory surgical centers and conversions from one level of care to another in

nursing homes; removing the exemption from a certificate of need study for facilities or equipment which do not presently exist in the geographic district of a health system agency; requiring the simultaneous filing of applications for certificates of need with the bureau of community medical facilities and the health systems agency; providing further criteria to be used by health system agencies when reviewing certificate of need applications; providing that health systems agencies make recommendations on certificate of need applications to the bureau of community medical facilities and providing that the bureau make determinations on certificate of need applications within not more than 90 days from the date on which the application is declared to be complete; providing an appeals procedure; amending section 381.495, Florida Statutes, providing that a license shall not be issued by the Division of Health to any facility or part of a facility which has not received a certificate of need; amending s.381.497, Florida Statutes, relating to inapplicability to certain projects; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Ways and Means.

By the Committee on Health and Rehabilitative Services and Representative Kutun and others—

**HB 1377**—A bill to be entitled An act relating to child abuse; adding subsection (12) to s.827.07, Florida Statutes, 1974 Supplement, and amending subsections (1), (2), (4), (6), (7) and (8) of said section, redefining “child” as used in provisions relating to child abuse to persons under age 18; redefining “abuse” or “maltreatment” as used in provisions relating to child abuse to include sexual abuse and materially endangering the mental health of a child; providing that if in the legitimate practice of religious belief, specified medical treatment is not provided to a child that such action shall not be considered neglect for that reason alone; providing that the legitimate practice of religious beliefs shall not preclude a court from ordering that medical service be provided to a child where his health requires it; requiring any person who has reason to believe that a child has been abused to report such abuse to the Department of Health and Rehabilitative Services; requiring the Department of Health and Rehabilitative Services to secure cooperation with law enforcement officials, courts and other appropriate agencies; requiring reports which allege that an employee or agent of the department has committed an act of child abuse to be investigated by the state attorney; requiring that all reports, information and records concerning child abuse shall be confidential; removing the provision permitting disclosure of information in the registry to counsel representing the person alleged to have committed an act of child abuse; providing that the names of persons reporting abuse shall not be released to anyone other than the department employees performing investigations; providing that if upon investigation, the department finds criminal abuse, a report of such findings will be transmitted to the state attorney; providing that a guardian ad litem may be appointed by the court to represent the child in any child abuse judicial proceeding; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

*The Honorable Dempsey J. Barron, President* May 21, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1827 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative T. Lewis—

**HB 1827**—A bill to be entitled An act relating to vocational rehabilitation; amending s.413.48(1), Florida Statutes, providing an exception to the period allowed for reporting severely disabled persons; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

*The Honorable Dempsey J. Barron, President* May 21, 1975

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

HB 135      HB 1287      HB 970      HB 182

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Melvin and Nuckolls—

**HB 135**—A bill to be entitled An act relating to the Florida Retirement System; amending s.121.052(1)(c), Florida Statutes, as amended, and adding subsection (9); changing the interest rate on purchasing certain service credit in the elected state officers class; providing that any combination of terms of office of an elected officer totaling 8 years of service shall entitle such officer to be eligible to receive 8 years of service credit; creating s.121.053, Florida Statutes, providing for the participation of county court judges, all other state and county elected officers, and elected municipal officers, in the elected state officers class of the Florida Retirement System; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Representative Melvin and others—

**HB 970**—A bill to be entitled An act relating to the Florida Retirement System; amending s.121.052(1)(c), Florida Statutes, 1974 Supplement, and adding a new paragraph (d), increasing the interest rate charged with regard to the purchase of certain retirement credit in the system; authorizing all members of the elected state officers' class to purchase additional credit in that class for service in certain judicial positions; reopening the elected state officers' class for the period beginning October 1, 1975 through December 31, 1975; repealing s.123.031, Florida Statutes, which provides that the benefits and terms of the comprehensive retirement act shall be available to members of the judicial retirement system at their option; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Representative Melvin and others—

**HB 182**—A bill to be entitled An act relating to retirement; adding subsection (7) and (8) to s.20.31, Florida Statutes, providing for the creation of a seven-member State Retirement Commission; providing membership, qualifications, and terms; providing powers and duties; authorizing the commission to hear appeals on various retirement matters or disputes; providing a penalty; providing for administrative, secretarial, and legal support; providing compensation; providing administrative duties of the director of the Division of Retirement; amending s.121.031, Florida Statutes; authorizing the Division of Retirement to establish regional retirement offices; authorizing electronic data processing services; amending s.121.021(15), Florida Statutes, which defines “special risk member,” to conform the definition to the provisions of this act; amending subsection (2)(a) of s.121.081, Florida Statutes, authorizing claims for prior service under certain conditions as creditable service without awaiting lapse of three year period upon otherwise complying with said subsection; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Representative Dick Clark and others—

**HB 1287**—A bill to be entitled An act relating to the Uniform Commercial Code; amending s.676.102(3), Florida Statutes, relating to bulk transfers, to include all enterprises doing business as restaurants that are licensed by the Division of Hotels and Restaurants of the Department of Business Regulation; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Commerce.

*The Honorable Dempsey J. Barron, President* May 21, 1975

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

HB 1826 HB 1318 CS for HB 971

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative T. Lewis—

**HB 1826**—A bill to be entitled An act relating to the council for the purchase of products and services of the blind or other severely handicapped within the department of general services; amending s.3(1) of chapter 74-236, Laws of Florida, to remove the chief of the bureau of budget of the division of budget of the department of administration from the membership of the council, and providing, in lieu thereof, a representative of private enterprise to be appointed to the council by the governor; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

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

**HB 1318**—A bill to be entitled An act relating to paternity; amending s.39.11(2)(e) and (3)(d), Florida Statutes, 1974 Supplement, relating to powers of the court with reference to dependent and delinquent children, removing the term “illegitimate child” and replacing it with the term “child born out of wedlock”; amending ss.382.17, the introductory paragraph and subsections (1), (2) and (4) of 382.21, and 382.35(2), (3), (4), and (7)(d), Florida Statutes, relating to birth certificates, to replace reference to the legitimacy of children with reference to marital status; amending ss.742.011, 742.091 and 742.10, Florida Statutes, to remove reference to bastardy proceedings and the term “bastard”; amending s.744.301(1), Florida Statutes, 1974 Supplement, and s.856.04(2), Florida Statutes, relating to guardianship and desertion, respectively, to remove the term “illegitimate child” and replace it with the term “child born out of wedlock”; directing the Division of Statutory Revision and Indexing of the Joint Legislative Management Committee to change the title of chapter 742, Florida Statutes, from “Bastardy” to “Determination of Paternity”; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By the Committee on Health & Rehabilitative Services and Representatives Bloom and Moore—

**CS for HB 971**—A bill to be entitled An act relating to juveniles; amending s.39.03(2), Florida Statutes, authorizing the release of a child taken into custody to an adult approved by the court on a prior approval basis under certain circumstances; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

*The Honorable Dempsey J. Barron, President* May 21, 1975

I am directed to inform the Senate that the House of Representatives has passed HB 1393 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Fortune—

**HB 1393**—A bill to be entitled An act relating to the Florida Board of Pharmacy; amending s.465.21(1), Florida Statutes; providing for the designation of a prescription department manager; prohibiting the issuance of a permit unless such a manager is designated; providing for notification upon the termination or change of such managers; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

*The Honorable Dempsey J. Barron, President* May 21, 1975

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

HCR 2232 HCR 667

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Sheldon and others—

**HCR 2232**—A concurrent resolution recognizing and congratulating the Florida State University Seminole Baseball Team.

—was read the first time in full and referred to the Committee on Rules and Calendar.

By Representatives Nuckolls and Mann—

**HCR 667**—A concurrent resolution honoring Miss Cathy Bahruth, Florida’s Junior Miss for 1975.

—was read the first time in full and referred to the Committee on Rules and Calendar.

*The Honorable Dempsey J. Barron, President* May 21, 1975

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional three-fifths vote of the membership of the House HJR 291 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Melvin—

**HJR 291**—A joint resolution proposing the creation of Section 14 of Article X of the State Constitution relating to state retirement systems.

—was read the first time and referred to the Committee on Rules and Calendar.

*The Honorable Dempsey J. Barron, President* May 21, 1975

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

HB 290 HB 158

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Melvin and others—

**HB 290**—A bill to be entitled An act relating to the Florida Retirement System; amending s.121.051(2)(a), Florida Statutes, as amended, extending survivor benefits for members transferring from the Teachers’ Retirement System of Florida to the Florida Retirement System until fully insured for disability benefits under the Social Security Act; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Representative Melvin—

**HB 158**—A bill to be entitled An act relating to public retirement and pension plans; creating s.112.0516, Florida Statutes; providing for refund of contributions; allowing vesting of rights; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

*The Honorable Dempsey J. Barron, President* May 23, 1975

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

HB 557 HB 1911  
 HB 1280 CS for HB’s 1012 and 1912  
 HB 1327 HB 2075  
 HB 1606

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Hazelton and others—

**HB 557**—A bill to be entitled An act relating to the Division of Aging of the Department of Health and Rehabilitative Services; amending s.409.360, Florida Statutes, providing that the department, through the division, is designated the agency to administer all programs of the Federal Government relating to aging by virtue of funds appropriated through the Older Americans Act of 1965; creating s.409.3605, Florida Statutes, authorizing the division to accept gifts and grants; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

By Representative Melvin—

**HB 1606**—A bill to be entitled An act relating to planning and budgeting; amending s.216.262(3), Florida Statutes, 1974 Supplement; allowing a person holding an office or position whose salary is fixed or limited by chapter 27, Florida Statutes, to be compensated from an education appropriation if such person is otherwise permitted to be so compensated; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

By the Committee on Finance & Taxation and Representative Gallagher and the Committee on Education—

**CS for HB's 1012 and 1912**—A bill to be entitled An act relating to gross receipts taxes; amending s.203.01, Florida Statutes, requiring certain public service corporations to file reports and pay the gross receipts tax on a semi-annual instead of an annual basis; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Ways and Means.

By Representative Maxwell—

**HB 1280**—A bill to be entitled An act relating to the State University System, amending s.240.042(2)(1), Florida Statutes; providing legislative intent; providing that the Board of Regents shall be authorized to contract with accredited private institutions in Florida for the provision of those educational programs and facilities which will best serve to meet the unfulfilled needs of the State University System; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By the Committee on Education—

**HB 1911**—A bill to be entitled An act relating to school bonds; amending s.215.61, Florida Statutes, providing that bonds issued pursuant to section 9(a), Article XII of the State Constitution, shall be subject to the provisions of "The State Bond Act"; providing that such bonds be issued in an amount not to exceed 90 percent of the amount the State Board of Education determines can be serviced from the gross receipts tax; providing guidelines to the state board in determining the amount which can be serviced; providing that the Division of Bond Finance shall act as agent with respect to issuance of certain such bonds; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By the Committee on Education—

**HB 2075**—A bill to be entitled An act relating to personnel of the school system; amending s.231.601(3) and (4), Florida Statutes, providing that both public and private colleges and universities shall participate in teacher education programs; amending s.231.603(1), Florida Statutes, 1974 Supplement, including private universities and colleges within the teacher education center program adopted by the State Board of Education; amending s.231.606(1)(a), Florida Statutes, 1974 Supplement, authorizing certain colleges and universities to be eligible for membership on the local teacher education center councils; amending the introductory paragraph and subsection (3) of s.231.609, Florida Statutes, including certain public or private colleges and universities within the funding program for teacher education centers; providing for payment for public college and university faculty member's services and for

contracting with private colleges and universities and faculty members under certain circumstances; amending s.231.611, Florida Statutes, 1974 Supplement, eliminating the limitation on the number of teacher education centers; repealing s.231.610 (1), Florida Statutes, relating to computation of contact hours for teacher education center activities; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By Representative Hazelton—

**HB 1327**—A bill to be entitled An act relating to juveniles; repealing section 959.23, Florida Statutes, relating to juvenile detention inspectors; repealing section 959.24, Florida Statutes, relating to county and state detention facilities; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

*The Honorable Dempsey J. Barron, President* May 23, 1975

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

CS for HB 1102

HB 1164

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Health and Rehabilitative Services and Representatives Coolman and Moore—

**CS for HB 1102**—A bill to be entitled An act relating to child abuse; amending s.827.07(11), Florida Statutes, 1974 Supplement; providing personal liability for any person who discloses information related to child abuse records; allowing damages for any person aggrieved or injured by such disclosure; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Representative Craig—

**HB 1164**—A bill to be entitled An act relating to the State Plan for Public Education; amending s.228.071(2), (4) and (6), Florida Statutes, 1974 Supplement, relating to the community school program, including community colleges and the Florida School for the Deaf and Blind in the provisions thereof; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

*The Honorable Dempsey J. Barron, President* May 23, 1975

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

HB 1972

HB 465

HB 809

HB 401

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Hodes and Moore—

**HB 1972**—A bill to be entitled An act relating to education; amending s.20.15(3)(a) and (4), Florida Statutes, changing the name of the Division of Elementary and Secondary Education to the Division of Public Schools; prescribing the method of appointing division directors in the Department of Education; amending s.229.512(1), Florida Statutes, providing that the commissioner's appointment of division directors shall be subject to approval of the state board; adding subsection (5) to s.229.551, Florida Statutes, providing for establishment of a common course designation and numbering system for community colleges and state universities; amending s.229.8055(3), Florida Statutes, and adding subsection (6) to said section; requiring the Bureau of Environmental Education to integrate environmental education into the general curriculum of all public school grades; providing for the appointment of an Environmental Education Advisory Council; providing for membership, meetings and a chairman; providing duties and responsibilities; providing for expenses of members; amending s.231.30 (2)(a), Florida Statutes, increasing from \$5 to \$7 the amount of each

regular certificate fee deposited in the Professional Practices Commission Trust Fund; changing the name of such fund to the Professional Practices Advisory Council Trust Fund; amending s.239.451(1), Florida Statutes, providing for the awarding of certificates when new regents scholarships are awarded; amending s.239.68, Florida Statutes, creating the Florida Student Financial Aid Advisory Council; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations, Education and Ways and Means.

By Representative Fortune—

**HB 809**—A bill to be entitled An act relating to the school plant; amending s.235.34, Florida Statutes, authorizing specified boards and agencies to expend funds for the maintenance or improvement of the property of any public school and facilities thereon; prohibiting local variance from state law concerning the levying of assessments for special benefits on school districts; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By Representative Young—

**HB 401**—A bill to be entitled An act relating to education; creating ss.230.7566 and 240.182, Florida Statutes; providing definitions; authorizing the district board of trustees with respect to community colleges and the Board of Regents with respect to the state university system to permit the use of property, facilities and personal services by direct-support organizations under certain conditions; providing that these organizations shall be subject to audit; amending s.240.141(2)(a), Florida Statutes, adding certain lease arrangements to a list of exemptions from certain building approval requirements; amending s.243.151(1), Florida Statutes, clarifying language with respect to certain lease arrangements which the Board of Regents may negotiate and enter into; providing an effective date.

—was read the first time by title and referred to the Committees on Education, Governmental Operations and Ways and Means.

By Representatives Langley and Smith—

**HB 465**—A bill to be entitled An act relating to corrections; providing a lien in favor of the State of Florida for the costs of imprisonment upon royalties payable to or accruing to the benefit of a prisoner from any literary, cinematic, or other account of the crime for which he is imprisoned; providing for the distribution of any funds collected; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

*The Honorable Dempsey J. Barron, President* May 23, 1975

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

**HB 2040** **HB 2174**

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Education and Representatives Nuckolls and Mann—

**HB 2040**—A bill to be entitled An act relating to public records; amending s.119.01, Florida Statutes, to exempt certain records of accrediting associations from the provisions of the section; creating ss.119.11 and 119.12, Florida Statutes; providing for accelerated hearings; requiring compliance with a court order to open records within 48 hours; providing for assessment of attorney's fees; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Education.

By the Committee on Education—

**HB 2174**—A bill to be entitled An act relating to the State University System; creating parts I, II, III, and IV of chapter

239, Florida Statutes, consisting of ss.239.01—239.035, 239.115—239.138, 239.215—239.263, and 239.315—239.341, respectively; transferring all sections of chapters 239, 240, and 241, Florida Statutes, not repealed by this act, to the appropriate part of chapter 239, Florida Statutes; amending ss.239.01, 239.53, 239.54, 239.56(1)—(4) and (6), 240.011, 240.181(3), 240.191(3), and 241.621(8) and (12), Florida Statutes, and s.240.042(1) and (2)(a), (g), (j), and (n), Florida Statutes, 1974 Supplement; deleting duplications in statutory language; clarifying and correcting statutory language to conform to existing provisions of law; repealing s.239.011, Florida Statutes, relating to establishment of a university in east central Florida; repealing s.239.012, Florida Statutes, relating to establishment of a 4-year college in Dade County; repealing s.239.013, Florida Statutes, relating to establishment of a state university or branch in Duval County; repealing s.239.04, Florida Statutes, relating to deposits of federal funds and vouchers therefor; repealing s.239.05, Florida Statutes, relating to duties of the State Treasurer; repealing s.239.07, Florida Statutes, relating to endowment funds; repealing s.239.08, Florida Statutes, relating to annual appropriation to supplement endowment fund income; repealing s.239.55, Florida Statutes, as amended, relating to violations and penalties for violations of traffic rules or ordinances; repealing s.239.57, Florida Statutes, relating to costs, fines, and penalties; repealing s.240.021, Florida Statutes, relating to the chairman of the Board of Regents and expenses of members; repealing s.240.031(1) and (2), Florida Statutes, relating to responsibilities of the State Board of Education for higher education; repealing s.240.044, Florida Statutes, relating to the establishment of a continuing education center in Dade County; repealing s.240.211, Florida Statutes, relating to applicability of laws applicable to Board of Control; repealing s.241.08, Florida Statutes, relating to establishment of a college of forestry at the University of Florida; repealing s.241.091, Florida Statutes, relating to establishment of a department of real estate at the University of Florida; repealing s.241.096, Florida Statutes, relating to establishment of a school of dentistry at the University of Florida; repealing s.241.121, Florida Statutes, relating to the Florida State Museum; repealing s.241.24, Florida Statutes, relating to establishment of a branch citrus experiment station near Winter Haven; repealing s.241.26, Florida Statutes, relating to establishment of a branch tobacco experiment station near Quincy; repealing s.241.28, Florida Statutes, relating to establishment of an Everglades agricultural experiment station; repealing s.241.36, Florida Statutes, relating to a branch livestock experiment station in Hardee County; repealing s.241.361, Florida Statutes, relating to establishment of a light horse unit for horse research under the University of Florida; repealing s.241.42, Florida Statutes, relating to the Florida national egg laying contest; repealing s.241.45, Florida Statutes, relating to establishment of a branch experiment station in Northwest Florida; repealing s.241.475, Florida Statutes, relating to authorization for a law school at Florida State University; repealing s.241.476, Florida Statutes, relating to authorization for a medical school at the University of South Florida; repealing s.241.48, Florida Statutes, relating to establishment of a branch agricultural experiment station near Sanford; repealing s.241.49, Florida Statutes, relating to establishment of a branch agricultural experiment station near Live Oak; repealing s.241.491, Florida Statutes, relating to establishment of a branch agricultural experiment station near Fort Pierce; repealing s.241.60, Florida Statutes, relating to establishment of a tobacco insect research laboratory at Quincy; repealing s.241.69, Florida Statutes, relating to establishment of a branch agricultural experiment station in Orange County; repealing s.241.71, Florida Statutes, relating to authorization for a dormitory at Florida State University for students on athletic scholarships; repealing s.241.72, Florida Statutes, relating to transfer of funds in the Milk Commission account; providing for renumbering of cross references; providing that repeals shall be construed as removal of obsolete or superfluous language and shall not be construed to discontinue or disestablish existing institutions or functions; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Judiciary-Criminal.

*The Honorable Dempsey J. Barron, President* May 22, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended CS for CS for HB 1385 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committees on Appropriations, Finance & Taxation and Transportation and Representative Jones and others—

CS for CS for HB 1385—A bill to be entitled An act relating to motor vehicles; providing legislative intent; amending s.319-23(5) and (6), F. S., increasing the penalty for delinquent title transfers from \$1 to \$10, providing that duplicate titles and transfers of title with respect to the sale of motor vehicles must be made within a certain time period; providing that the title or application for title shall contain certain data; amending s.320-01, F. S., introductory paragraph, and adding subsection (26) thereto, defining registration period; amending s.320.02(2), F. S., requiring applicant's full name, date of birth and sex on the registration form and deleting the age requirement therefrom; amending s.320.031, F. S., providing that registration and revalidation stickers may be mailed; providing that the mail service charge be the actual mail charge rounded up to the nearest 5 cents plus a 25 cents handling charge instead of the 50 cents currently charged; amending s.320.04(1), F. S., increasing the service charge accruing to the tax collectors and the department from 50 cents to \$1; amending s.320.06(1), (2), (3), (4), (5), (6), and (8), F. S., providing for extending the life of the current license plate by 11 months; providing certain license plates may be transferred from one class of vehicle to another without exchanging the original plate; providing a penalty; providing that the registration certificate or a copy of a rental or lease agreement does not have to be exhibited upon demand to a police officer under certain circumstances; providing for four year alphanumeric license plates beginning July 1, 1977; providing a schedule of staggering registrations over the 12 month period; providing transfer of license plates; providing for revalidation stickers for three successive years; providing minimum refunds; providing a registration and renewal schedule for all other vehicles not categorized by birth month; amending s.320.07(1) and (3), F. S., providing for registration and revalidation during certain months; amending s.320.08, F. S., deleting prefix letter classifications; amending s.320.131(1) and (2), F. S., providing that temporary tags may be used on motor vehicles, the sale of which constitutes a casual or private sale; defines casual or private sale; authorizes the Department of Highway Safety and Motor Vehicles to sell temporary tags to county tax collectors; prescribes the fee which the tax collectors shall charge for such tags; amending s.320.14(3) and (4), F. S., and adding subsection (5) thereto; providing for fractional year registrations for certain motor vehicles; amending s.320.74, F.S., deleting the reference to "E" series license plates; amending s.325.12, F.S., requiring proof of current registration before inspection certificate is issued; providing for inspection of certain vehicles; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation and Ways and Means.

*The Honorable Dempsey J. Barron, President* May 22, 1975

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

HB 1909 CS for HB 1573

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Education—

HB 1909—A bill to be entitled An act relating to fixed capital outlay projects at school plants; providing legislative intent; providing for allocation of certain moneys for such projects undertaken by district school boards, community colleges, area vocational-technical centers, Board of Trustees of the Florida School for the Deaf and the Blind of the Department of Education, and institutions under the Board of Regents of the Division of Universities of the Department of Education; providing conditions upon the financing of such projects; providing certain limitations; providing appropriation; providing for severability; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By the Select Committee on Human Rights and Representative Morgan and others—

CS for HB 1573—A bill to be entitled An act relating to employment; providing legislative intent; creating the Florida Age Discrimination in Employment Act; providing definitions; prohibiting employers, including public employers, employment agencies, and labor organizations from discriminating against

persons on the basis of age; providing exceptions; authorizing a private cause of action to enforce the provisions of this act; requiring the posting of notice; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Judiciary-Civil.

*The Honorable Dempsey J. Barron, President* May 22, 1975

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

HCR 1872 HM 2193

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Mixson—

HCR 1872—A concurrent resolution endorsing the concept of the Coastal Plains Regional Commission in providing for a long-range economic development plan for the region, which includes areas in the states of Florida, Georgia, South Carolina, North Carolina and Virginia.

—was read the first time in full and referred to the Committee on Rules and Calendar.

By the Committee on Agriculture & General Legislation—

HM 2193—A memorial to the Congress of the United States, urging Congress to adopt H.R. 1793 relating to increasing the estate tax exemption.

—was read the first time in full and referred to the Committee on Rules and Calendar.

*The Honorable Dempsey J. Barron, President* May 22, 1975

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed Representatives Fortune, Dixon, Grosse, Nelson, Andrews, Craig, Poole; Alternates Dick Clark and Tom Lewis as Conferees on the part of the House on HB 2100.

*Allen Morris, Clerk*

*The Honorable Dempsey J. Barron, President* May 19, 1975

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

By the Committee on Natural Resources and Conservation and Senator J. Lane and others—

CS for SB 174—A bill to be entitled An act relating to energy costs; providing for recommendation or requirement for fuel or abatement equipment under certain conditions; providing for use of fuels with specific sulfur content; providing an exception; providing for revision of existing standards; providing for local pollution control program to be more stringent; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 2—On page 2, line 24, strike "This act shall take effect July 1, 1975." and insert: This act shall take effect July 1, 1975, and will remain in effect until December 31, 1977.

Amendment 3—On page 2, lines 19, 20, 21, 22, 23, strike all after regulations and insert: "

Senator J. Lane moved that the Senate refuse to concur in House Amendment 2 to CS for SB 174 and the House be requested to recede therefrom.

Senator Sayler moved as a substitute motion that the Senate concur in House Amendment 2 for CS for SB 174. The motion failed by the following vote:

Yeas—20

Childers, D.	Graham	MacKay	Scarborough
Dunn	Henderson	Myers	Vogt
Firestone	Holloway	Renick	Wilson
Gallen	Johnston	Saunders	Winn
Gordon	Lane, D.	Sayler	Zinkil

Nays—20

Mr. President	Hair	Plante	Thomas, J.
Brantley	Lane, J.	Poston	Thomas, P.
Childers, W. D.	Lewis	Sims	Tobiassen
Deeb	McClain	Spicola	Trask
Glisson	Peterson	Stolzenburg	Ware

Senator J. Lane withdrew his motion.

Senator J. Lane moved that the Senate concur in House Amendment 3 to CS for SB 174 and the House be requested to recede therefrom.

The Senate refused to concur. The vote was:

Yeas—19

Childers, D.	Henderson	Myers	Vogt
Dunn	Holloway	Renick	Wilson
Firestone	Johnston	Saunders	Winn
Gordon	Lane, D.	Sayler	Zinkil
Graham	MacKay	Scarborough	

Nays—21

Mr. President	Hair	Poston	Tobiassen
Brantley	Lane, J.	Sims	Trask
Childers, W. D.	Lewis	Spicola	Ware
Deeb	McClain	Stolzenburg	
Gallen	Peterson	Thomas, J.	
Glisson	Plante	Thomas, P.	

The Senate refused to concur in the House Amendments and the House was requested to recede therefrom. The action, with the bill and amendments, was certified to the House.

Point of Order

Senator Graham: Mr. President, point of order. Rule 7.8 states that after reading of a house amendment to a Senate bill, the Senate may do one of three things. One, amend the House amendment; two, concur in the House amendment; or three, refuse to concur in the House amendment and ask the House to recede. The adoption of any of the foregoing motions shall be by majority vote. I would submit that 7.8 infers that there shall be an affirmative action by a majority vote on one of those three options. The point is that at this point we have done nothing. We have not, by majority vote, adopted any of the three positions which 7.8 makes available to us.

Senator Scarborough: Mr. President, to the point, we have done exactly as the rule provides. We have refused to concur in the House amendments, and have asked the House to recede therefrom. We did it in the reverse order but we've done it. We have complied with (3) of Rule 7.8 to the letter.

Mr. President: Well, that's what I am inclined to rule, Senator. If there is no further discussion, that will be the ruling of the Chair.

On motion by Senator Zinkil, by two-thirds vote HB 1102 was withdrawn from the Committee on Judiciary-Civil and placed on the calendar.

On motions by Senator Sayler, by two-thirds vote Senate Bills 1330, 1345, 1350 and 229 were withdrawn from the Committee on Rules and Calendar and placed on the calendar.

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

SB 1330—A bill to be entitled An act relating to Pinellas County, Florida; authorizing said county to operate or con-

tract for the operation of a solid waste disposal and resource recovery system for the disposal of garbage and other waste matter and the recovery of energy and other resources; authorizing Pinellas County to require the use of the facilities of the solid waste disposal and resource recovery system by all of the inhabitants and entities of Pinellas County, including all municipalities; authorizing the governing body to prescribe and collect reasonable charges for the services and facilities of the solid waste disposal and resource recovery system; authorizing the lease of facilities; authorizing emergency disposal by individual political subdivisions; repealing and subordinating any inconsistent or conflicting powers granted to any municipality or other body within Pinellas County; providing for the effect of state general laws; providing severability; providing an effective date.

—which was read the second time by title. On motion by Senator Sayler, by two-thirds vote SB 1330 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gordon	Peterson	Thomas, P.
Brantley	Hair	Plante	Tobiassen
Childers, D.	Henderson	Poston	Trask
Childers, W. D.	Johnston	Renick	Vogt
Deeb	Lane, D.	Sayler	Ware
Dunn	Lane, J.	Sims	Winn
Firestone	Lewis	Spicola	Zinkil
Gallen	McClain	Stolzenburg	
Glisson	Myers	Thomas, J.	

Nays—None

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

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

SB 1345—A bill to be entitled An act relating to Pinellas County creating a personnel board and a personnel department, establishing a personnel system for employees under the direction and control of the Board of County Commissioners and constitutional officers; describing and defining the duties of the personnel board and the director of personnel; prescribing penalties for the violation of this act and of rules adopted pursuant thereto; repealing Chapters 63-1794, 65-2107, 67-1924, 69-1486, 69-1482 and 74-587; and providing an effective date.

—which was read the second time by title. On motion by Senator Sayler, by two-thirds vote SB 1345 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gordon	Peterson	Thomas, P.
Brantley	Hair	Plante	Tobiassen
Childers, D.	Henderson	Poston	Trask
Childers, W. D.	Johnston	Renick	Vogt
Deeb	Lane, D.	Sayler	Ware
Dunn	Lane, J.	Sims	Winn
Firestone	Lewis	Spicola	Zinkil
Gallen	McClain	Stolzenburg	
Glisson	Myers	Thomas, J.	

Nays—None

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

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

SB 1350—A bill to be entitled An act annexing to the City of St. Petersburg all lands lying within the following line: from a point of intersection at a north line of the city limit line of the City of St. Petersburg, Pinellas County, Florida, being at 94th Avenue North, and an east line of said city limit line being at the north extension of Locust Street NE, for a point of beginning, run generally northerly and westerly, along said city limit line to a point of intersection with the north

right-of-way line of Gandy Boulevard; thence run northeasterly 8360 feet thereon to a point; thence run northwesterly along a line at right angles to said north right-of-way line to a point of intersection on a line lying 1000 feet northerly from, and parallel to, the center-line of said Gandy Boulevard; thence run northeasterly thereon to a point of intersection on the Pinellas County/Hillsborough County boundary line; thence run southerly along said Pinellas County boundary line to a point of intersection with the east extension of a north line of said city limit line at 94th Avenue North; thence run west along said east extension to a northeast corner of said city limit line being at the main ship channel of Tampa Bay; thence continue west along said north city limit line to the point of beginning.

And Also:

All of that portion of I-275 right-of-way bounded on the south by the north line of said city limit line, and bounded on the north by a due east-west line which intersects the center-line of said I-275 at a point lying 6700 feet northeasterly (being measured along said center-line from the point of intersection of same with the north right-of-way line of Ulmerton Road; and providing an effective date.

—which was read the second time by title. On motion by Senator Saylor, by two-thirds vote SB 1350 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Hair	Plante	Tobiassen
Brantley	Henderson	Poston	Trask
Childers, D.	Johnston	Renick	Vogt
Childers, W. D.	Lane, D.	Saylor	Ware
Dunn	Lane, J.	Sims	Winn
Firestone	Lewis	Spicola	Zinkil
Gallen	McClain	Stolzenburg	
Glisson	Myers	Thomas, J.	
Gordon	Peterson	Thomas, P.	

Nays—1

Deeb

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

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

SB 477—A bill to be entitled An act relating to the Pinellas County Transportation Authority; amending s.348.032(2), (3), Florida Statutes, and adding subsections (4) and (5) to said section; changing the composition of the authority; providing for an executive director; authorizing the board of county commissioners to pay expenses of the authority; amending s.348.042, Florida Statutes; specifying the purposes and powers of the authority; adding s.348.152(3), Florida Statutes; affirming the validity of contractual obligations of the authority entered into on or before April 1, 1975; repealing s.348.0421, Florida Statutes, relating to advisory boards; providing an effective date.

—which was read the second time by title. On motion by Senator Saylor, by two-thirds vote SB 477 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gordon	Peterson	Thomas, P.
Brantley	Hair	Plante	Tobiassen
Childers, D.	Henderson	Poston	Trask
Childers, W. D.	Johnston	Renick	Vogt
Deeb	Lane, D.	Saylor	Ware
Dunn	Lane, J.	Sims	Winn
Firestone	Lewis	Spicola	Zinkil
Gallen	McClain	Stolzenburg	
Glisson	Myers	Thomas, J.	

Nays—None

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

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

SB 229—A bill to be entitled An act relating to Pinellas County; amending chapter 73-593, Laws of Florida, as amended by chapter 74-578, Laws of Florida; providing local taxing authorities the option maintaining millage necessary to participate in state funding programs; providing an exclusion of taxes levied for not longer than two years and authorized by vote of the electors; deleting provision automatically repealing said chapter; providing an effective date.

—which was read the second time by title.

Senator Deeb moved the following amendments which were adopted:

**Amendment 1**—On page 1, line 17, strike everything after the enacting clause and insert:

Section 1. Chapter 73-593, Laws of Florida, as amended by chapter 74-578, Laws of Florida, is amended to read:

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

(1) After the tax assessment rolls have been prepared on the basis as required by law, the board of county commissioners and all other governing boards or governing authorities of all other taxing districts in Pinellas County including municipalities, with the exception of the board of public instruction, whose taxes are assessed on the tax roll prepared by the county assessor, shall reduce the millage to be levied by each such governing authority from what it was in the preceding year proportionate to the increase of the general level of assessed value over the preceding year, unless otherwise required by law to maintain a higher millage level in order to participate in state revenue sharing, or any other matching formula for funding of state or local governmental programs or projects. Provided, however, if in preparing its proposed budget for the year in which the reduction of millage is required such budget making authority determines that the millage required for operating funds should be increased no more than ten percent more than the millage determined in subsection (5) of this section or one-half mill whichever is greater, it shall proceed as follows: The budget making authority shall cause to be published, at least one time in a newspaper of general circulation published in the county, the fact that said increase of not exceeding ten percent or one-half mill is being proposed. Said advertisement shall state that the budget making authority will meet on a day fixed in the advertisement, not earlier than one week and not later than two weeks from the date of the advertisement for the purpose of hearing comments and complaints regarding the proposed increase and explaining the reasons for such proposal. Said meeting may coincide with the required public hearing on the tentative budget as required by law.

(2) In the event any budget making authority shall determine that due to impending emergencies said authority will require funds in excess of those anticipated, and that unless additional funds are made available the operation of said authority in meeting its legal duties and obligations will be seriously impaired and provided that such budget making authority has requested and obtained a ten percent increase as set forth in subsection (1) herein, the said budget making authority may apply for an additional increase not to exceed five percent of the millage as reduced by subsection (5), in the millage required to meet the budget for operating funds in the following manner:

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

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

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

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

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

Section 2. Method of fixing millage in years other than the year of revaluation.—

(1) In each and every year the board of county commissioners and the governing boards or governing authorities of all other taxing districts within Pinellas County including municipalities, with the exception of the board of public instruction, may increase the millage to be levied by each such governing authority by no more than ten percent of what it was in the preceding year or one-half mill, whichever is greater; provided, however, nothing in this section shall be construed to authorize an increase in millage in excess of the maximum millage permitted by law.

(2) In the event any budget making authority shall determine that due to impending emergencies said authority will require funds in excess of those anticipated, and that unless additional funds are made available the operation of said authority in meeting its legal duties and obligations will be seriously impaired and provided that such budget making authority has obtained a ten percent or ½ mill increase as provided in subsection (1), the said budget making authority may apply for an additional increase not to exceed five percent of the millage authorized in subsection (1) in the millage required to meet the budget for operating funds in the following manner:

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

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

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

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

Section 3. Excluded millages.—Section 1 of this act shall not be construed as to require the reduction of any millage that has been approved by a vote of the electors, pursuant to section 9 of article VII of the state constitution, or of any millage required for the payment of bonds approved by the electors.

Section 4. Notwithstanding any other provision of law, the county, school board, municipalities, and independent districts shall be responsible for the levy and imposition of its own ad valorem millage.

Section 5. Local taxing authorities may maintain a millage level necessary to participate in state revenue sharing, maintain the local required effort under the Florida education finance program or any other matching formula for funding of state or local governmental programs or projects.

Section 6. Nothing in this act shall apply to taxes levied for periods not longer than 2 years and authorized by vote of the electors of the area governed by the governing body setting the millage.

Section 2. This act shall take effect upon becoming a law, and shall operate retroactively to June 30, 1975.

Amendment 2—On page 7, between lines 3 and 4 insert: This Act shall stay in effect until October 1, 1976

Amendment 3—On page 1 in title, line 6, after the semicolon insert: exempting the Board of Public Instruction from the provisions of such law;

On motion by Senator Deeb, by two-thirds vote SB 229 as amended was read the third time by title, passed and ordered engrossed. The vote on passage was:

Yeas—33

Mr. President	Gordon	Peterson	Tobiasen
Brantley	Hair	Plante	Trask
Childers, D.	Henderson	Poston	Vogt
Childers, W. D.	Johnston	Renick	Ware
Deeb	Lane, D.	Sims	Winn
Dunn	Lane, J.	Spicola	Zinkil
Firestone	Lewis	Stolzenburg	
Gallen	McClain	Thomas, J.	
Glisson	Myers	Thomas, P.	

Nays—1

Sayler

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

On motion by Senator Brantley, the rules were waived and CS for HB 2004, CS for HB 2005 and House Bills 2072, 2073 and 2101 were ordered immediately certified to the House.

**SPECIAL ORDER**

CS for SB 750—A bill to be entitled An act relating to public health; providing for the installation of individual sewage disposal facilities in certain subdivisions; providing legislative intent relating to development of public water and sewerage systems; providing an effective date.

—was taken up together with the following pending amendment which was adopted:

Amendment 2—On page 2, lines 16-19, strike Section 6 and insert: Section 6.

The Legislature hereby orders that it is the policy of this state to require that all individual sewage disposal systems developed under the provisions of this act shall connect to a public or investor-owned sewerage system within 180 days from

the date that such system becomes available. The developer of any lot that is developed under the provisions of this act shall provide advance notice of this requirement to the purchaser of said lot.

Senators Gallen, Vogt and Spicola offered the following amendment which was moved by Senator Gallen and adopted:

**Amendment 3**—On page 2, in Section 7 after “accordance with” strike “reasonable” and insert “the” and before the period insert: , provided that the renewal of such permits or licenses does not adversely affect any federal grants

Senator MacKay moved the following amendment:

**Amendment 4**—On page 2, line 12, strike Section 5

Amendment 4 was adopted by the following vote:

**Yeas—19**

Childers, D.	Henderson	Renick	Ware
Dunn	Johnston	Saunders	Wilson
Glisson	Lane, D.	Scarborough	Winn
Gordon	MacKay	Spicola	Zinkil
Graham	Myers	Vogt	

**Nays—17**

Mr. President	Holloway	Plante	Tobiassen
Brantley	Lane, J.	Sims	Trask
Childers, W. D.	Lewis	Stolzenburg	
Gallen	McClain	Thomas, J.	
Hair	Peterson	Thomas, P.	

Senators Gallen, Vogt and Spicola offered the following title amendment which was moved by Senator Gallen and adopted:

**Amendment 5**—On page 1, line 8, after the semicolon insert: providing conditions for renewal of licenses or permits notwithstanding the establishment or existence of a regional sewer system; providing state policy regarding the connection of sewage disposal system to public or master owned sewage systems;

On motion by Senator P. Thomas, by two-thirds vote CS for SB 750 as amended was read the third time by title, passed and ordered engrossed. The vote on passage was:

**Yeas—20**

Mr. President	Glisson	Peterson	Sims
Brantley	Gordon	Plante	Thomas, J.
Childers, W. D.	Hair	Poston	Thomas, P.
Dunn	Lewis	Sayler	Tobiassen
Gallen	McClain	Scarborough	Trask

**Nays—18**

Childers, D.	Lane, D.	Saunders	Wilson
Firestone	Lane, J.	Spicola	Winn
Graham	MacKay	Stolzenburg	Zinkil
Henderson	Myers	Vogt	
Johnston	Renick	Ware	

**HB 1355**—A bill to be entitled An act relating to the Florida State Board of Chiropractic Examiners; amending section 460.06, Florida Statutes, by adding a new subsection (10); providing for certain board duties, rights, privileges, and powers; requiring certain rules and regulations providing for access to and use of certain diagnostic and laboratory facilities; providing an effective date.

—was read the second time by title.

Senator D. Lane moved the following amendment:

**Amendment 1**—On page 1, line 19, strike “(10) The board shall, with the advice of the council” and insert: (10) Each hospital shall, with the advice of the council

Amendment 1 was adopted by the following vote:

**Yeas—20**

Childers, W. D.	Hair	McClain	Scarborough
Deeb	Henderson	Myers	Spicola
Firestone	Lane, D.	Plante	Stolzenburg
Glisson	Lewis	Renick	Thomas, P.
Graham	MacKay	Sayler	Tobiassen

**Nays—15**

Mr. President	Holloway	Sims	Wilson
Brantley	Johnston	Thomas, J.	Winn
Childers, D.	Lane, J.	Trask	Zinkil
Gordon	Peterson	Ware	

By unanimous consent Senator Vogt was recorded as voting yea.

On motion by Senator Gordon, by two-thirds vote HB 1355 as amended was read the third time by title, passed and ordered engrossed. The vote on passage was:

**Yeas—36**

Mr. President	Hair	Myers	Stolzenburg
Brantley	Henderson	Peterson	Thomas, J.
Childers, D.	Holloway	Plante	Thomas, P.
Childers, W. D.	Johnston	Poston	Tobiassen
Deeb	Lane, D.	Renick	Trask
Firestone	Lane, J.	Sayler	Ware
Glisson	Lewis	Scarborough	Wilson
Gordon	MacKay	Sims	Winn
Graham	McClain	Spicola	Zinkil

**Nays—None**

By unanimous consent Senator Vogt was recorded as voting yea.

**Explanation of Vote**

I see no possible conflict in my vote on HB 1355 but I do have interest in a chiropractic clinic, building and equipment which I rent.

*Jim Glisson, 11th District*

Senator McClain moved that the Senate reconsider the vote by which CS for SB 750 passed this day.

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

**CONFERENCE COMMITTEE REPORT ON CS FOR SB 165**

The Honorable Dempsey J. Barron  
President of the Senate

The Honorable Donald L. Tucker  
Speaker, House of Representatives

Sirs:

Your conference committee on the disagreeing votes of the two houses on House amendments to the Committee Substitute for Senate Bill 165, same being:

A bill to be entitled an act relating to the Department of Health and Rehabilitative Services; amending s.20.04(3), Florida Statutes, and s.20.19, Florida Statutes, 1974 Supplement; reorganizing the structure of the department; providing for district advisory councils; adding s.110.051(2)(n), Florida Statutes, 1974 Supplement; exempting specified positions from the career service; providing additional powers and duties of the department; providing for automatic repeal of existing rules and regulations as of a specified date; establishing the location of department headquarters; repealing s.381.021, Florida Statutes, relating to the headquarters of the Division of Health; providing that nothing in this act shall affect the powers of the counties over county public health facilities; 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 House 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.
3. That the Senate and the House of Representatives pass the Committee Substitute for Senate Bill 165 as amended by said Conference Committee amendments.

<i>Jack D. Gordon, Chairman</i>	<i>R. Earl Dixon</i>
<i>Don C. Childers</i>	<i>Edmond M. Fortune</i>
<i>Kenneth H. MacKay, Jr.</i>	<i>Don F. Hazelton</i>
<i>Kenneth M. Myers</i>	<i>Robert C. Hector</i>
<i>Kenneth A. Plante</i>	<i>Barry Kutun</i>

Managers on the part of the Senate                      Managers on the part of the House of Representatives

The Honorable Dempsey J. Barron  
President of the Senate

The Honorable Donald L. Tucker  
Speaker of the House of Representatives

Sirs:

Although I find myself in agreement with the provisions of the Conference Report relating to Committee Substitute for Senate Bill 165, I must disagree with its provisions which permit the handling of an ungovernable child as a dependent child for the second or subsequent adjudications of ungovernability.

*Don Childers*

**Conference Committee Amendment 1**—Strike all after the enacting clause and insert: Section 1. Subsection (3) of section 20.04, Florida Statutes, is amended to read:

20.04 Structure of executive branch.—The executive branch of state government is structured as follows:

- (3) For their internal structure, all departments shall adhere to the following standard terms:
  - (a) The principal unit of the department is the "division." Each division shall be headed by a "director."
  - (b) The principal unit of the division is the "bureau." Each bureau shall be headed by a "chief."
  - (c) The principal unit of the bureau is the "section." Each section shall be headed by an "administrator."
  - (d) If further subdivision is necessary, sections may be divided into units which shall be known as "subsections" which shall be headed by "supervisors."

*However, within the Department of Health and Rehabilitative Services, there shall be organizational units called "offices" integral to the positions of deputy secretary, assistant secretary, and deputy assistant secretary and organizational units called "program offices" which shall operate in a staff capacity to the assistant secretary for program planning and development.*

Section 2. Section 20.19, Florida Statutes, 1974 Supplement, is amended to read:

*(Substantial rewording of section. See s.20.19, F.S., 1974 Supplement, for present text.)*

**20.19 Department of Health and Rehabilitative Services.**—There is created a Department of Health and Rehabilitative Services.

(1) **PURPOSE.**—The purpose of the reorganization of the Department of Health and Rehabilitative Services is to integrate the delivery of all health, social, and rehabilitative services offered by the state to those citizens in need of assistance, herein referred to as "clients." The purpose of the department is to:

- (a) Provide such assistance as is authorized to all eligible clients in order that they might achieve or maintain economic self-support and self-sufficiency to prevent, reduce, or eliminate dependency.
- (b) Prevent or remedy the neglect, abuse, or exploitation of children and of adults unable to protect their own interests.
- (c) Aid in the preservation, rehabilitation, and reuniting of families.

(d) Prevent or reduce inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care.

(e) Secure referral or admission for institutional care when other forms of care are not appropriate, or to provide services to individuals in institutions when necessary.

(f) Prevent the occurrence and spread of communicable diseases and other physical and mental diseases and disabilities to the maximum degree possible.

(g) Promote the maintenance and improvement of health and mental health.

(h) Disseminate health information to the public with recommendations for self-help aimed at the prevention of disease and the maintenance and improvement of the health of all residents and visitors in Florida.

(i) Plan and develop health resources to assure effective and efficient delivery of high quality health services fully accessible to all citizens.

**(2) SECRETARY OF HEALTH AND REHABILITATIVE SERVICES; DEPUTY SECRETARY.—**

(a) The head of the department is the secretary of health and rehabilitative services. The secretary shall be appointed by the governor subject to confirmation by the senate. The secretary shall serve at the pleasure of the governor.

(b) The secretary shall appoint a deputy secretary who shall act in the absence of the secretary. The deputy secretary shall be directly responsible to the secretary and shall perform such duties as are assigned to him by the secretary. He shall serve at the pleasure of the secretary.

**(3) ASSISTANT SECRETARIES.—**

(a) The secretary shall appoint an assistant secretary for operations, an assistant secretary for program planning and development, and an assistant secretary for administrative services, each of whom shall serve at the pleasure of and be directly responsible to the secretary. The secretary shall appoint a deputy assistant secretary for program planning and a deputy assistant secretary for state health planning and development, each of whom shall serve at the pleasure of the secretary and shall be directly responsible to the assistant secretary for program planning and development.

(b) The assistant secretary for operations shall be responsible for and have line authority over all service program operations of the department, including the management of all institutions and residential treatment programs, assuring such programs comply with federal and state laws and regulations, and such other duties as are assigned to him by the secretary. However, he shall delegate as much authority for the administration of service programs within the districts as practicable to the respective district administrators. The assistant secretary for operations shall have line authority over all departmental employees engaged in providing services directly to the client or support services therefor.

(c) The assistant secretary for program planning and development shall have responsibility for general statewide supervision of the administration of service programs operated by the department, and such other program development and planning duties as are assigned to him by the secretary. General statewide supervision of the administration of service programs shall mean service program development and planning; program research; identifying client needs and recommending solutions and priorities; developing client service programs, including the policies and standards therefor; providing technical assistance to the district administrators; assisting the district administrators in staff development and training; reviewing and monitoring district-level program operations; assuring compliance with statewide program standards and performance criteria; assuring uniform program quality among districts; developing funding sources external to state government; and obtaining, approving, monitoring and coordinating research and program development grants; but shall not involve line authority over any service program operations of the department, including the management of institutions and residential treatment programs.

1. Program offices shall be designed to operate in a staff capacity to the assistant secretary for program planning and development. Each program office shall be headed by a program staff director who shall be appointed by and serve at the

pleasure of the secretary and be directly responsible to the assistant secretary for program planning and development. In no case shall the total professional staff of all of the program offices combined exceed 450 persons. The assistant secretary for program planning and development shall delegate to the program offices the following responsibilities, which shall include, but not be limited to:

- a. Identification of client needs;
  - b. Intra-program policy development;
  - c. Short-term and long-term intra-program planning;
  - d. Intra-program standards setting, monitoring, and quality control;
  - e. Intra-program staff development, training and technical assistance programs;
  - f. Advising the assistant secretary for program planning and development and others within the department, upon request, on issues within their areas of substantive expertise;
  - g. Acting as liaison when assigned by the assistant secretary for program planning and development to other governmental agencies and the public on programmatic issues;
  - h. Developing state program plans;
  - i. Developing resource forecasts and working within the state on community resource development;
  - j. Quality control;
  - k. Statewide supervision of the administration of service programs; and
1. Any other program planning and development duties assigned by the secretary.
  2. The following program offices are established:

a. **Children's Medical Services Program Office.** The responsibilities of this office encompass all children's medical services' programs operated by the department.

b. **Social and Economic Services Program Office.** The responsibilities of this office encompass all income support and related social services programs within the department such as aid to families with dependent children (AFDC), food stamps, supplemental security income (SSI) supplemental payments, AFDC child support enforcement, food distribution, and medicaid; protective services and all dependency programs located in the Division of Family Services prior to the effective date of this act; adoptions; child care; children in need of supervision and proportionate share of programs located in the Division of Youth Services prior to the effective date of this act, as provided in chapters 39 and 959; and foster care programs, including those located in the Division of Family Services and the Division of Youth Services prior to the effective date of this act, in proportionate relationship to the responsibilities for children in need of supervision.

c. **Health Program Office.** The responsibilities of this office encompass all health programs operated by the department, including county health departments, including the review and coordination of departmental health services, as well as the insurance of an accepted level of quality.

d. **Retardation Program Office.** The responsibilities of this office encompass all retardation programs operated by the department. In addition, responsibility for all developmental disabilities, including cerebral palsy and epilepsy, shall be located here.

e. **Vocational Rehabilitation Program Office.** The responsibilities of this office encompass all vocational rehabilitation programs operated by the department.

f. **Aging and Adult Services Program Office.** The responsibilities of this office encompass all aging and adult programs operated by the department. In addition, all responsibilities for the adult services programs located in the Division of Family Services prior to the effective date of this act shall be assigned to this program office.

g. **Youth Services Program Office.** The responsibilities of this program office encompass all programs operated by the department relating to delinquent children.

h. **Mental Health Program Office.** The responsibilities of this office encompass all mental health programs operated by the department. In addition, the responsibility for forensic programs shall be located here.

The secretary may appoint an advisory council for the purpose of acting as an advisory body to each program office. Members shall serve staggered terms not to exceed 4 years although they may be appointed to one subsequent term. Members shall receive no compensation, but shall be reimbursed for per diem and travel expenses in accordance with the provisions of s.112.061.

3. The responsibilities of the deputy assistant secretary for health planning and development shall include, but not be limited to, comprehensive health planning, Hill-Burton programs, certificate-of-need determinations, as well as those functions authorized by law in conformance with Public Law 93-641. The assistant secretary may assign other responsibilities to this office in keeping with the intent of this act. The functions of this office relating to Public Law 93-641 shall not be decentralized to the districts.

(d) The assistant secretary for administrative services shall be responsible for providing administrative and management support services above the district level; monitoring administrative and management support services in the districts; developing and implementing uniform policies, procedures and guidelines with respect to personnel administration, finance and accounting, budget, grants management and disbursement, procurement, information and communications systems, management evaluation and improvement, and general services, including housekeeping, maintenance and leasing of facilities; and performing such other administrative duties as are assigned to him by the secretary.

#### (4) SERVICE DISTRICTS.—

(a) The department shall plan and administer its programs of health, social, and rehabilitative services through service districts and subdistricts composed of the following counties:

District 1 - Escambia, Santa Rosa, Okaloosa, and Walton Counties;

District 2 - Subdistrict A - Holmes, Washington, Bay, Jackson, Calhoun and Gulf Counties;

District 2 - Subdistrict B - Gadsden, Liberty, Franklin, Leon, Wakulla, Jefferson, Madison, and Taylor Counties;

District 3 - Subdistrict A - Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Union, Bradford, Putnam, and Alachua Counties;

District 3 - Subdistrict B - Marion, Citrus, Hernando, Sumter, and Lake Counties;

District 4 - Subdistrict A - Baker, Nassau, Duval, and Clay Counties;

District 4 - Subdistrict B - St. Johns, Flagler, and Volusia Counties;

District 5 - Pasco and Pinellas Counties;

District 6 - Hillsborough and Manatee Counties;

District 7 - Subdistrict A - Seminole, Orange, and Osceola Counties;

District 7 - Subdistrict B - Brevard County;

District 8 - Subdistrict A - Polk, Hardee, and Highlands Counties;

District 8 - Subdistrict B - Sarasota and DeSoto Counties;

District 8 - Subdistrict C - Charlotte, Lee, Glades, Hendry, and Collier Counties;

District 9 - Indian River, Okeechobee, St. Lucie, Martin, and Palm Beach Counties;

District 10 - Broward County; and

District 11 - Dade and Monroe Counties.

(b) The secretary shall appoint a district administrator for each of the service districts. Each district administrator shall serve at the pleasure of the secretary and shall be directly

responsible to the assistant secretary for operations. Each district administrator shall have direct line authority over all departmental programs assigned to the district. In addition to those responsibilities assigned by law, the district administrator shall carry out those duties delegated to him by the assistant secretary for operations. The salary of this position shall be comparable to that of a division director of a state agency.

(c) The duties of the district administrator shall include, but not be limited to:

1. Ensuring that administration of all service programs is carried out in conformity with statewide service plans and any other policies, procedures and guidelines established by the secretary.

2. Administering the offices of the department within the district, and directing and coordinating all personnel, facilities, and programs of the department located in that district, except as otherwise provided herein.

3. Applying standard information, referral, intake, diagnostic and evaluation, and case management procedures established by the secretary. Such procedures shall include a single intake system for delinquency and dependency juvenile programs.

4. Centralizing to the greatest extent possible the administrative functions associated with the provision of services of the department within the district.

5. Coordinating the services provided by the department in the district with those of other public and private agencies which provide health, social, educational and rehabilitative services within the district.

6. Appointing district program managers, program supervisors, and the superintendent of each institution within the district and approving all other personnel appointments within the district.

7. Establishing such policies and procedures as may be required to discharge his duties and to implement and conform the policies, procedures and guidelines established by the secretary to the needs of the district.

8. Transferring up to 10 percent of the total district budget with the approval of the secretary to maximize effective program delivery, the provisions of ss.216.292 and 216.351 notwithstanding.

(d) To assist him in the discharge of his duties, each district administrator may appoint a district program manager for health services and a district program manager for social services. Each district administrator shall appoint a district manager for administrative services. Each district program manager and the district manager for administrative services shall serve at the pleasure of the district administrator.

(e) There may be program supervisors in each district who shall serve in a line capacity to the district administrator and shall report directly to the district administrator or his designee. Program supervisors shall be appointed by the district administrator in conformity with qualifications established through state personnel system procedures. Program supervisors may be employed on a full-time, part-time or fee-for-service contractual basis. The duties of a program supervisor shall include, but not be limited to, the following:

1. Administering district service programs in conformity with statewide policies, procedures and guidelines established by the secretary.

2. Recommending changes in district program policy.

3. Identifying and developing community resources.

4. Identifying district needs.

5. Serving as program spokesman in educating the public as to the availability of programs and the needs of clients.

6. Serving as primary staff development advisor in assessing the needs of staff and developing training and staff development programs.

(f) There shall be programs at the district level in the following areas: aging and adult services, children's medical services, health, mental health, retardation, social and economic

services, vocational rehabilitation, and youth services. There may be a program supervisor for each program, or the district administrator may combine any two or more programs under a program manager or program supervisor, if such arrangement is approved by the secretary.

(g) The district manager for administrative services shall provide the following administrative and management support services to the district in accordance with the uniform policies, procedures and guidelines established by the assistant secretary for administrative services:

1. Finance and accounting;

2. Grants management and disbursement;

3. Personnel administration;

4. Purchasing and procurement;

5. General services, including housekeeping and maintenance of facilities;

6. Assisting the district administrator in preparation of the district budget request and administration of the approved operating budget; and

7. Other administrative duties as assigned by the district administrator.

#### (5) DISTRICT ADVISORY COUNCILS.—

(a) Within each service district, there is created a district advisory council. Each district advisory council shall assist in the coordination and integration of the health, social and rehabilitative services provided by the department with those provided in the district by other public and private agencies and shall afford citizen input into departmental policy development. The duties of each district advisory council shall include, but not be limited to:

1. Advising the district administrator with respect to the administration of the department's service programs within the district and the improvement of coordination and integration of the department's programs and services with those provided within the district by other public and private agencies;

2. Advising the assistant secretary for program planning and development and the staff directors of the program offices with respect to client needs within the district;

3. Assisting the department in the evaluation of its operations;

4. Interpreting to the community, through the personal contacts and involvements of its members, the various services provided by the department;

5. Providing a forum for receiving citizen complaints on general problems relating to the department; and

6. Advertising on the coordination of service delivery within the district.

(b) Each district advisory council shall consist of 12 members. The district administrator shall be a nonvoting ex officio member, and the remaining 11 members shall be appointed by the governor, as follows:

1. One licensed physician or osteopathic physician who practices medicine or osteopathic medicine within the district;

2. One member of a board of county commissioners of a county within the district;

3. One member of a district school board of a school district within the district;

4. One attorney who practices law within the district;

5. Five local representatives of public and private agencies or organizations which provide health, social, rehabilitative or legal services within the districts; and

6. Two persons who are either clients of the department within the district or who have been such clients during the year previous to appointment.

Each member of a district advisory council shall be appointed for a term of 2 years, except that six of the initial members of each council shall be appointed for terms of 1 year each.

(c) Each district advisory council shall elect a chairman, a vice-chairman and a secretary, each of whose terms shall be for 1 year. The district administrator shall not be eligible to serve as chairman.

(d) Each district advisory council shall hold quarterly meetings. Additional meetings shall be held upon the call of the chairman or upon the petition of a majority of the members to the chairman.

(e) Each district advisory council shall designate a sub-council from its membership for each subdistrict within the district.

(f) Before November 1 of each year, the secretary shall hold a meeting to which each district advisory council shall send three of its members to discuss the department's budget request and recommendations to the legislature and to provide the secretary with an analysis of client needs in the districts. Each member attending such meeting shall be entitled to reimbursement for travel expenses pursuant to s.112.061. In addition, the secretary or the deputy secretary shall attend at least one meeting of each district advisory council during each fiscal year.

(6) STATEWIDE HUMAN RIGHTS ADVOCACY COMMITTEE.—(a) There is hereby created within the department a statewide Human Rights Advocacy Committee, consisting of eight citizens who broadly represent the interests of the public and the clients of the department, to be appointed by the governor. The members shall be representative of four groups of citizens as follows: Two elected public officials, including one county commissioner; two representatives of agencies or civic groups which are not designated as "federal" or "state"; two representatives from the health and rehabilitative services consumer groups which are currently receiving, or have received, services from the department within the past 2 years; and two residents of the state who do not represent any of the foregoing groups or the department.

(b) All members of the Human Rights Advocacy Committee shall serve terms of 4 years, except that at the time of the initial appointment, two members shall be appointed for terms of 1 year, two members shall be appointed for terms of 2 years, two members shall be appointed for terms of 3 years, and two members shall be appointed for terms of 4 years.

(c) The governor shall fill each vacancy on the Human Rights Advocacy Committee for the balance of the unexpired term.

(d) Members of the Human Rights Advocacy Committee shall receive no compensation but shall be reimbursed for per diem and travel expenses by the department, in accordance with the provisions of s.112.061.

(e) The members of the Human Rights Advocacy Committee shall elect a chairman. The term of the chairman shall be for 1 year and no chairman shall serve as chairman for more than two consecutive terms. The responsibilities of the committee shall include, but not be limited to:

1. Serving as a third-party mechanism for protecting the constitutional and human rights of any client within a program or facility operated, funded or regulated by the department;

2. Receiving, investigating, and resolving reports of abuse or deprivation of constitutional and human rights referred to the Human Rights Advocacy Committee by a district human rights advocacy committee;

3. Prior to implementation reviewing and making recommendation with respect to the involvement of departmental clients as subjects for research projects insofar as their human rights may be affected;

4. Reviewing existing programs or services and new or revised programs of the department and making recommendations as to how the rights of clients are affected;

5. Submitting an annual report to the legislature, no later than November 30 of each calendar year, concerning activities, recommendations and complaints reviewed or developed by the committee during the year;

6. Conducting meetings at least six times a year at the call of the chairman and at such other times at the call of the governor or by written request of four members of the committee; and

7. Developing policies and procedures to carry out the purposes of this subsection including procedures for appeal. An appeal to the state committee is made by a district human rights advocacy committee when a valid complaint is not resolved at the district level. The statewide committee may appeal an unresolved complaint to the secretary. If, after exhausting all remedies, the statewide committee is not satisfied that the complaint can be resolved within the department, the appeal may be referred to the governor.

(7) DISTRICT HUMAN RIGHTS ADVOCACY COMMITTEES.—At least one district human rights advocacy committee is created in each district. The number and areas of responsibility of the district human rights advocacy committees shall be determined by the district administrator except that any existing human rights advocacy committee created by administrative agreement or legislative mandate may continue functioning if the committee so determines. Each district human rights advocacy committee shall have no more than 11 members who shall include at least two consumers, two providers, two representatives of professional organizations, and one medical or osteopathic physician as defined in chapters 458 and 459, Florida Statutes. Each member shall serve a term of four years except that, at the time of the initial appointment, three shall be appointed for 1 year, three for 2 years, three for 3 years, and two for 4 years. In the case of a vacancy, the district administrator shall appoint a representative to serve the remainder of the unexpired term. A member may serve two terms. The district administrator shall appoint the first four members of the committee and those four members shall select the remaining seven members. Each committee shall elect a chairman for a term of 1 year. No person shall serve as chairman for more than two consecutive terms. A member of a district committee shall receive no compensation or per diem but shall be reimbursed for travel expenses outside the county of residence as provided in s.112.061. Each district human rights advocacy committee shall establish its own operating procedures. Procedures for appeal to the statewide Human Rights Advocacy Committee shall be established by the state committee. The duties of both new and existing district or regional human rights advocacy committees shall conform to the provisions of this act. The duties of each district human rights advocacy committee shall include, but are not limited to:

(a) Serving as third-party mechanism for protecting the constitutional and human rights of any client within a program or facility operated, funded or regulated by the department.

(b) Receiving, investigating and resolving reports of abuse or deprivation of constitutional and human rights within the committee's area of jurisdiction.

(c) Reviewing existing programs or services and new or revised programs of the department and making recommendations as to how the rights of clients are affected.

(d) Appealing to the state committee any complaint unresolved at the district level.

(e) Submitting an annual report by September 30 to the statewide Human Rights Advocacy Committee concerning activities, recommendations, and complaints reviewed or developed by the committee during the year.

(f) Conducting meetings at least six times a year at the call of the chairman and at such other times at the call of the governor or by written request of four members of the committee.

#### (8) DEPARTMENTAL BUDGET.—

(a) The secretary shall develop and submit annually to the legislature a comprehensive departmental summary budget document which shall array district budget requests along program lines. This summary document shall, for the purpose of legislative appropriation, consist of four distinct budget entities:

1. Office of the Secretary;

2. Office of the Assistant Secretary for Administrative Services;

3. Office of the Assistant Secretary for Program Planning and Development; and

4. Office of the Assistant Secretary for Operations.

The various district budget requests shall be included in the comprehensive departmental summary budget document.

(b) To fulfill this responsibility, the secretary shall have the authority to review, amend, and approve the annual budget request of all departmental activities. In addition, and the provisions of ss.216.22 and 216.351 notwithstanding, the secretary, whenever deemed necessary by reason of significantly changed conditions, may transfer funds between the approved operating budgets of the districts. The total of such transfers may not exceed 5 percent of the operating budget of an individual district during any fiscal year.

(c) It is the responsibility of the assistant secretary for administrative services to promulgate the necessary budget timetables, formats, and data requirements for all departmental budget requests. This shall be done in accordance with the state wide budget requirements of the Department of Administration.

(d) It is the responsibility of the district administrator to develop an annual budget request to be reviewed, amended, and approved by the secretary. Upon appropriation of an approved district budget, the district administrator shall be responsible for the execution of this operating budget during the fiscal year. The provisions of ss.216.292 and 216.351 notwithstanding, whenever deemed necessary by significantly changed conditions, the district administrator may transfer funds between the various programs in the district, with approval of the secretary. The total of such transfer may not exceed 10 percent of the approved operating budget of a district during any fiscal year.

Section 3. (1) All functions of the Division of Planning and Evaluation of the Department of Health and Rehabilitative Services, except evaluation, are assigned to the Office of the Assistant Secretary for Program Planning and Development, and the Division of Planning and Evaluation is abolished.

(2) All functions of the Division of Administrative Services of the Department of Health and Rehabilitative Services, except internal audit, are assigned to the Office of the Assistant Secretary for Administrative Services, and the Division of Administrative Services is abolished. All management and administrative functions, except evaluation and internal audit, heretofore carried out by the various line divisions of the department, are assigned to the Office of the Assistant Secretary for Administrative Services.

(3) Effective October 1, 1975, the functions of the Divisions of Family Services, Aging, Health, Children's Medical Services, Mental Health, Retardation, Vocational Rehabilitation, and Youth Services of the Department of Health and Rehabilitative Services, which functions relate to the daily operation of the department's service programs, are assigned to the Office of the Assistant Secretary for Operations and the functions of those divisions which relate to planning state-wide program policies for providing services are assigned to the Office of the Assistant Secretary for Program Planning and Development, and the Divisions of Family Services, Aging, Health, Children's Medical Services, Mental Health, Retardation, Vocational Rehabilitation, and Youth Services are abolished.

(4) All statutory functions of the Department of Health and Rehabilitative Services not otherwise herein assigned to a specific unit of the department are hereby assigned generally to the department and may be allocated and reallocated by the secretary to an authorized unit of the department.

(5) It is the intent of the legislature that this act shall not conflict with any federal statute or implementing regulation governing federal grant-in-aid programs administered by the Department of Health and Rehabilitative Services. Whenever such a conflict is asserted by the applicable agency of the federal government, the secretary of the department shall submit to the United States Department of Health, Education and Welfare, or other applicable federal agency, a request for a favorable policy response or a waiver of the conflicting portions. If such request is denied, as certified in writing by the secretary of the United States Department of Health, Education and Welfare or head of other applicable federal agency, the secretary of the Department of Health and Rehabilitative Services is authorized to make such adjustments in the organization and state service plan prescribed by this act which are necessary for conformity to federal statutes and regulations.

Section 4. Paragraph (n) is added to subsection (2) of section 110.051, Florida Statutes, 1974 Supplement, to read:

110.051 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions which shall not be covered by this chapter shall include the following:

(n) *The deputy assistant secretary for program planning, the staff directors and the district administrators of the Department of Health and Rehabilitative Services.*

Section 5. PROGRAM EVALUATION.—A comprehensive program evaluation system shall be established which shall encompass all major programs of the Department of Health and Rehabilitative Services. The department shall establish measurable program objectives and performance criteria for each program it operates. Such system of evaluation shall require all programs to develop identifiable goals which are quantifiable wherever practicable and to estimate the cost of attaining such goals in advance. Studies of the relative cost and effectiveness of departmental and alternative programs shall be conducted. The department shall develop a program evaluation schedule and shall evaluate at least 20 percent of its programs annually. The department shall submit these evaluation schedules and reports to the secretary, who within thirty days of receipt shall transmit copies of the schedules and reports to the appropriate substantive committees of both houses of the legislature for review. When possible, the department's management information system shall provide the basic information for program evaluation studies.

Section 6. INFORMATION SYSTEMS.—

(a) The secretary of the Department of Health and Rehabilitative Services shall implement a priority program aimed at the design, testing, and integration of automated information systems necessary for effective and efficient management of the department. These systems shall contain, minimally, management data, client data, and program data deemed essential for the ongoing administration of service delivery, as well as for the purpose of management decisions. It is the intent of the legislature that these systems be developed with the idea of providing maximum administrative support to service delivery. It is also essential that these systems comply with federal program requirements and ensure confidentiality of individual client information.

(b) For the purpose of funding this effort, the department shall include in its annual budget request a comprehensive summary of costs involved, as well as manpower saved, in the establishment of these automated systems. Such budget request shall also include a complete inventory of current staff, equipment, and facility resources available for completion of the desired systems. The department shall review all forms for duplicative content and, to the maximum extent possible, reduce, consolidate, and eliminate such duplication to provide for a uniform and concise management information collection system.

Section 7. ELIGIBILITY REQUIREMENTS.—The Department of Health and Rehabilitative Services shall review the eligibility requirements of its various programs and, to the maximum extent possible, consolidate them into a single eligibility system.

Section 8. PURCHASE OF SERVICES.—Whenever possible, the Department of Health and Rehabilitative Services, in accordance with the established program objectives and performance criteria, shall contract for the provision of services by counties, municipalities, nonprofit corporations, and other entities capable of providing needed services, if services so provided are more cost efficient than those provided by the department.

Section 9. All rules of the Department of Health and Rehabilitative Services in effect, or filed with the Department of State prior to the effective date of this act, are repealed effective October 1, 1976, unless sooner repealed and the Department of Health and Rehabilitative Services shall publish new rules in accordance with the provisions of chapter 120, Florida Statutes.

Section 10. (1) Prior to January 1, 1976, the Department of Health and Rehabilitative Services shall establish its headquarters in Tallahassee. Thereafter, the department shall maintain all offices above the district office level in Tallahassee. For the purposes of implementing this act during fiscal year 1975-1976, the current number of departmental positions located in Jacksonville shall not be reduced by more than 100 through

transfers in order to carry out the provisions of this act. It is the intent of this act that departmental employees who have the opportunity to advance personally and professionally by accepting positions created by this reorganization elsewhere in the state may be transferred voluntarily, and that such transfers should not be limited by the provisions of this subsection. Employees whose positions are abolished or transferred to another location shall, when otherwise qualified, be given priority consideration for any new positions created under this reorganization or for any other positions vacant in state government.

(2) Within each of its service districts, the Department of Health and Rehabilitative Services shall locate its service facilities in the same place when it is possible to do so without removing service facilities from proximity to the clients they serve. The department shall implement a plan by which all or substantially all services within a district are moved as existing leases expire to centers, located close to prospective users or clients. These centers may be shared with other public users and may be designated as community service centers.

Section 11. (1) The Department of Health and Rehabilitative Services shall accomplish the reorganization directed by this act within its existing resources and appropriations. Such internal reorganization shall be complete prior to July 1, 1976.

(2) Notwithstanding the provisions of s.216.351, Florida Statutes, the department is authorized, for fiscal year 1975-76, to transfer appropriated funds within the department to administer more effectively its authorized and approved programs.

(3) Notwithstanding the provisions of s.110.022 and s.216.351, Florida Statutes, the department is authorized, for fiscal year 1975-76, to add, delete, classify, reclassify, and transfer authorized positions within the department and to establish new classifications of positions to administer more effectively its authorized and approved programs; provided, however, that total personnel costs shall not exceed the amount appropriated for such costs and that the total number of personnel shall not exceed the number authorized.

Section 12. The Department of Health and Rehabilitative Services shall submit to the president of the senate, the speaker of the house of representatives, and the secretary of the Department of Administration, on a monthly basis during fiscal year 1975-76, a written report detailing the department's progress with respect to internal reorganization, including all actions taken under section 11 of this act, and the plan for subsequent months for implementing the provisions of this act. The first such report shall be submitted by August 1, 1975. After July 1, 1976, the Department of Health and Rehabilitative Services shall make an annual report to the governor and the legislature, reflecting its activities and making recommendations for improvement of the services to be performed by the department. Such report shall be on the basis of a fiscal year. Notwithstanding the provisions of other statutes, such report shall be the only annual report required by law to be submitted by the department; provided, however, that the department shall continue to make such other reports as are provided for in this act or are specifically requested by the governor or any officer or committee of the legislature.

Section 13. Nothing in this act shall affect the powers and authorities granted to the several counties of the state and the county commissions thereof by chapter 154, Florida Statutes, except to substitute the Department of Health and Rehabilitative Services in place of the Division of Health as a party in interest in any agreements provided for in that chapter and except as provided in section 14 of this act.

Section 14. Section s.154.01 and 154.04, Florida Statutes, are amended to read:

154.01 Health units authorized.—The several counties of the state, and cities therein, may cooperate with the ~~division of health~~ of the department of health and rehabilitative services in the establishment and maintenance of full-time local health units in such counties for the control and eradication of preventable diseases, and inculcate modern scientific methods of hygiene, sanitation, and the prevention of communicable diseases. *In addition, there shall be clinic care and health care delivery programs where there is a demonstrated need for such services.*

154.04 Personnel of health units; duties; compensation, etc.—The personnel of the minimum full-time local health unit shall consist of a director, a public health nurse, a sanitarian,

and a clerk. The director shall be either a doctor of medicine or a doctor of osteopathy. All of the members of such personnel shall be selected from those especially trained in public health administration and practice, so far as the same shall relate to the duties of their respective positions. They shall be employed by the board of county commissioners; provided however, that no such personnel shall be employed by the board of county commissioners unless such ~~said~~ personnel shall be approved by the ~~division of health~~ of the department of health and rehabilitative services. When a vacancy occurs in the position of director of the local health unit, eligible candidates shall be presented to the board of county commissioners and, if no appointment is made within 6 months from the time of this presentation, then the ~~secretary of health and rehabilitative services~~ ~~director of the division of health~~ shall make the appointment. The duties of said personnel shall be fixed and determined by the ~~department division of health~~, upon the approval by the board of county commissioners. The compensation of said personnel shall be determined under the rules and regulations of the Division of Personnel of the Department of Administration. Such employees shall *engage in the prevention of disease and the promotion of health devote their entire time to the control of preventable diseases and the education of the public in modern scientific methods of sanitation, hygiene, and the control of communicable disease, in cooperation with and under the supervision of the department division of health.*

Section 15. Subsections (4), (5), (11), (18), (22), (23), (25), (27), and (28) of section 39.01, Florida Statutes, 1974 Supplement, are amended and paragraphs (h) and (i) are added to subsection (10) of said section to read:

39.01 Definitions.—When used in this chapter:

(4) "Authorized agent of the Division of Youth Services" means a person assigned by the division to perform duties prescribed in statutes relating to the provision of services to children who are alleged to be, or adjudicated, delinquent ~~or in need of supervision.~~

(5) "Authorized agent of the Department of Health and Rehabilitative Services" means a person assigned by the department to perform duties prescribed in statutes relating to the provision of services to children alleged to be, or adjudicated, delinquent ~~or~~ dependent, ~~or in need of supervision.~~

(10) "Dependent child" means a child who:

(h) *Has persistently run away from his parents or legal guardian.*

(i) *Being subject to compulsory school attendance, is habitually truant from school.*

(11) *An ungovernable child means a child who persistently disobeys the reasonable and lawful demands of his parents or other legal custodians and is beyond their control. For the purposes of this act, the first time a child is adjudicated as ungovernable, he may be defined and treated as a dependent child and all of the provisions of this act relating to dependency shall be applicable. For the second and subsequent adjudications for ungovernability, the child may be defined and treated as a delinquent child and all the provisions of this act relating to delinquency shall be applicable. If necessary the court may order placement of the child in secure shelter care pending disposition.*

"Child in need of supervision" means a child under the age of 18 years who:

(a) *Being subject to compulsory school attendance, is truant from school.*

(b) *Persistently disobeys the reasonable and lawful demands of his parents or other custodians and is beyond their control.*

(c) *Has run away from his parent or legal custodian.*

(18) "Detention home" means a facility to be used only for the temporary care of children alleged to be, or adjudicated, delinquent children ~~or children in need of supervision~~ pending court disposition or execution of court order. A detention home may provide secure or nonsecure custody.

(22) "Intake officer" means the authorized agent of the ~~department Division of Youth Services~~ performing the intake function for a child alleged to be delinquent or ~~in need of supervision or the authorized agent of the Division of Family~~

~~Services performing the intake function for a child alleged to be dependent.~~

(23) "Probation" means a legal status created by court order in cases involving a delinquent child ~~or a child in need of supervision~~, which permits the child to remain in his own home or other placement designated by the court, under the supervision of an agent of the Division of Youth Services, subject to being returned to the court for violation of any general or special condition imposed by the court.

(25) "Detention hearing" means a hearing at which the court determines whether it is necessary that the child be held in detention care, shelter care, some other placement outside his own home, or in his own home under court-imposed restrictions, pending a hearing to adjudicate delinquency ~~or dependency, or need of supervision~~.

(27) "Adjudicatory hearing" means a hearing at which the court makes its finding of fact and enters an appropriate order dismissing the case, withholding adjudication, or adjudicating the child to be ~~a child in need of supervision~~, a delinquent child, or a dependent child.

(28) "Disposition hearing" means the hearing at which the court determines the action to be taken with regard to a child who has previously been adjudicated to be ~~a child in need of supervision~~, a delinquent child, or a dependent child.

Section 16. Subsections (1) and (4) of section 39.02, Florida Statutes, 1974 Supplement, are amended to read:

#### 39.02 Jurisdiction.—

(1) The circuit court shall have exclusive original jurisdiction of proceedings in which a child is alleged to be dependent ~~or delinquent, or in need of supervision~~. The circuit court shall have jurisdiction in cases involving juvenile traffic offenses only if the court having jurisdiction over traffic offenses waives jurisdiction and certifies the case to the circuit court. In such cases a petition shall be filed in the circuit court, and the case shall be heard de novo as a delinquency proceeding.

(4) Notwithstanding the provisions of s.743.07, when the jurisdiction of any delinquent child shall have been obtained, the court shall retain jurisdiction, unless relinquished by order, until the child reaches 21 years of age, with the same power over the child that the court had prior to the child's becoming an adult. When the jurisdiction of any ~~child in need of supervision~~ ~~for~~ dependent child shall have been obtained, the court shall retain jurisdiction, unless relinquished by order, until the child reaches 18 years of age. This shall not prevent the exercise of jurisdiction of any other court having jurisdiction in case the child, after becoming an adult, commits a violation of law.

Section 17. Paragraph (d) of subsection (1), paragraph (b) of subsection (2), paragraphs (a), (b) and (c) of subsection (3), and paragraph (b) of subsection (7) of section 39.03, Florida Statutes, are amended to read:

#### 39.03 Taking a child into custody; detention.—

(1) A child may be taken into custody:

(d) By a law enforcement officer when he has reasonable grounds to believe that the child has run away from his parents, guardian, or other custodian *for the purpose of delivering the child without unreasonable delay to the child's parents or legal guardians or to an authorized agent of the department.*

(2) If the child should not be detained or placed in shelter care pursuant to paragraph (c) of subsection (3), or unless otherwise ordered by the judge, the person taking the child into custody shall release the child to a parent, a responsible adult relative, or an adult approved by the court, upon agreement of the person to whom the child is released to produce the child in court at such time as the court may direct. The person taking the child into custody shall, within 3 days, make a full written report to the appropriate intake officer, stating the facts by reason of which the child was taken into custody. The report shall:

(b) Contain sufficient information to establish the jurisdiction of the court and to support a finding by the court that the child is delinquent ~~or dependent, or in need of supervision~~.

(3)(a) If the person taking the child into custody determines, pursuant to paragraph (c), that the child should be detained or placed in shelter care, he shall immediately notify the parents or legal custodians of the child and shall, without unreasonable delay, deliver the child to the appropriate intake officer or, if the judge has so ordered, to a detention home or shelter, and shall, upon delivery of the child, report in writing to the appropriate intake officer. The report shall:

1. Identify the child and, if known, his parents and legal custodians.

2. Show that the child was legally taken into custody pursuant to subsection (1).

Within 3 days of the time the child is taken into custody, a supplemental report containing sufficient information to establish the jurisdiction of the court and to support a finding by the court that the child is delinquent ~~or dependent, or in need of supervision~~ shall be submitted to the appropriate intake officer.

(b) The intake officer shall review the facts and make such further inquiry as necessary to determine the need for detention or shelter care of the child. Unless detention or shelter care is required under paragraph (c), the child is to be released by the intake officer in accordance with subsection (2). If the child cannot be released, the intake officer shall authorize:

1. Detention care for any child alleged to be delinquent ~~or in need of supervision~~.

2. Shelter care for any child alleged to be dependent.

If the child is alleged to be both dependent and delinquent ~~or in need of supervision~~, the intake officer may authorize either detention care or shelter care. Under no circumstances shall the intake officer authorize the detention of any child in a jail or other facility intended or used for the detention of adults, except when a child is charged with a felony in the first degree, a life felony, or a capital felony. However, no child shall be placed in the same cell with any other adult or child alleged to have committed, or who has been adjudged to have committed, a crime.

(c) Unless ordered by the court pursuant to the provisions of this chapter, a child taken into custody shall not be placed or retained in detention care or shelter care prior to the court's disposition unless detention or shelter care is required:

1. To protect the person or property of others or of the child.

2. Because he has no parent, guardian, responsible adult relative, or other adult approved by the court able to provide supervision and care for him.

3. To secure his presence at the next hearing. *If a child has been twice previously adjudicated a delinquent and has been charged with a third subsequent delinquency which would constitute a felony if the child were an adult, said child shall be detained under this subparagraph and shall have a detention hearing within 24 hours of initial detention excluding Saturdays, Sundays, and legal holidays to determine the need for continued detention. The circuit court or the county court if previously designated by the chief judge of the circuit court shall hold the detention hearing. Where the county judge is not an attorney the chief judge may designate members of the bar to hold the detention hearing. The criteria for placement in detention or shelter care given above shall govern the decision of all persons responsible for determining whether detention or shelter care is warranted prior to the court's disposition.*

(7)(b) No child shall be held in detention or shelter care under a special order for more than fourteen days unless an order of adjudication for the case has been entered by the court. The court may extend the special order detaining a child an additional 30 days in the case of a child covered by s.39.02(5)(6)(c) when the grand jury fails to return an indictment within the 14 day period for that purpose, or when the state attorney shall give the court the notice provided for in s.39.02.

Section 18. Subsection (1) of section 39.04, Florida Statutes, is amended to read:

#### 39.04 Intake.—

(1) Intake shall be performed by the Department of Health and Rehabilitative Services. Any complaint that a child is

dependent ~~or, delinquent, or in need of supervision~~ shall be made to the intake office operating in the county in which the child is found or in which the case arose. Any person or agency having knowledge of the facts may make a complaint. He shall furnish the intake office facts sufficient to establish the jurisdiction of the court and to support a finding by the court that the child is delinquent ~~or, dependent, or in need of supervision~~. The intake officer shall make a preliminary determination as to whether the facts presented by the complainant are legally sufficient to file a petition, consulting with the state attorney or assistant state attorney where necessary.

(a) If the intake officer determines that the facts are legally sufficient to file a delinquency petition, he may request the state attorney to file the petition. If the intake officer determines the facts are legally sufficient to file a dependency ~~or need of supervision~~ petition, he may file it.

(b) If the intake officer determines that the facts are legally sufficient to file a petition, but in his judgment the interest of the child and the public will be served best by providing the child care or other treatment voluntarily accepted by the child and his parents or legal custodians, he may refer the child for such care and treatment.

(c) If the intake officer refuses to request that a delinquency petition be filed, the complainant and victim shall be informed of the refusal and of the reasons therefor and shall be advised that they may submit the complaint to the state attorney for review. The state attorney, upon receiving a request for a review, shall consider the facts presented by the complainant, consult with the intake officer who made the initial decision, and then make the final decision as to whether the petition shall or shall not be filed.

(d) Upon the refusal of the intake officer to file a dependency ~~or need of supervision~~ petition, the complainant shall be advised of his right to file a petition pursuant to s.39.05(2).

(e) In all cases in which the act charged would constitute a crime if committed by an adult, the intake officer shall submit a written notice to the state attorney, including the original complaint or a copy thereof, within 15 days of the time the child is delivered to, or reported to, the intake office. Such notice shall recommend:

1. That a petition be filed, or
2. That no petition be filed.

(f) The state attorney shall in all cases, after consultation with the intake officer, have the right to file petitions regardless of the action or lack of action of the intake office.

Section 19. Subsections (2), (4), (5) and (7) of section 39.05, Florida Statutes, are amended to read:

#### 39.05 Petition.—

(2) All proceedings seeking an adjudication that a child is dependent ~~or in need of supervision~~ shall be initiated by the filing of a petition by the state attorney, ~~an authorized agent of the division of youth services,~~ an authorized agent of the Division of Family Services, or any other person who has knowledge of the facts alleged or is informed of them and believes that they are true.

(4) The state attorney shall represent the state in all proceedings in which the petition alleges delinquency and shall represent the state in any proceeding in which the petition alleges dependency ~~or need of supervision~~ when a party denies the allegations of the petition and contests the adjudication.

(5) When a petition has been filed and the child or his counsel, if the petition alleges delinquency ~~or need of supervision~~, or the parents or custodian, if the petition alleges dependency, has advised the intake office that the truth of the allegations is acknowledged and that no contest is to be made of the adjudication, the intake officer may set the case before the court for an adjudicatory hearing. Neither the state attorney nor an assistant state attorney shall be required to be present. Should there be a change in the plea at this hearing the court shall continue the hearing to permit the state attorney to present the case for the state.

(7) On motions by or in behalf of a child, a petition alleging delinquency ~~or need of supervision~~ shall be dismissed with

prejudice if it was not filed within 30 days from the date the complaint was referred to the intake office.

Section 20. Subsection (2) and paragraph (a) of subsection (4) of section 39.06, Florida Statutes, are amended to read:

#### 39.06 Process and service.—

(2) Upon the filing of a petition containing allegations of facts which, if true, would constitute the child therein named a dependent child ~~or a~~, delinquent child, ~~or a child in need of supervision~~, and upon the request of the petitioner, the clerk or deputy clerk shall issue a summons.

(4) The summons shall be directed to, and shall be served upon, the following persons:

(a) The child, in the same manner as if he were an adult, when the petition alleges delinquency ~~or need of supervision~~;

Section 21. Section 39.08, Florida Statutes, is amended to read:

39.08 Medical, psychiatric, and psychological examination and treatment.—After a petition has been filed, the judge may order the child named in the petition to be examined by a physician, psychiatrist, or psychologist willing to do so. After a child has been adjudicated to be a dependent or delinquent child ~~or a child in need of supervision~~, or before such adjudication with the consent of any parent or legal custodian of the child, the judge may order the child to be treated by a physician, psychiatrist, or psychologist willing to do so. For the purpose of either examination or treatment, the judge may order the child to be placed in a suitable place. When any child is detained pending a hearing, the person in charge of the detention facility or his designated representative may provide or cause to be provided such medical or surgical services as may be deemed necessary by a physician. A physician shall be immediately called if there are indications of injury or illness, or the child shall be taken to the nearest available hospital for emergency care. After a hearing, the court may order the parents, guardian, or custodian, if found able to do so, to reimburse the county for the expense involved in such emergency medical or surgical treatment. Nothing in this section shall be deemed to eliminate the right of the parents or the child to consent to examination or treatment for the child, except that consent of a parent shall not be required if the physician determines there is a serious injury or illness requiring immediate treatment and the child consents to such treatment or an ex parte court order is obtained authorizing said treatment.

Section 22. Paragraph (b) of subsection (1), subsection (2) and subsection (3) of section 39.09, Florida Statutes, are amended to read:

#### 39.09 Hearings.—

##### (1) ADJUDICATORY HEARING.—

(b) Adjudicatory hearings shall be conducted by the judge without a jury, applying the rules of evidence in use in civil cases and adjourning the hearings from time to time as necessary. In a hearing on a petition in which it is alleged that the child is ~~a child in need of supervision or that the child is delinquent~~, the evidence must establish the status of the child beyond a reasonable doubt. In a hearing on a petition in which it is alleged that the child is dependent, a preponderance of evidence will be required to establish the state of dependency. All hearings, except as hereinafter provided, shall be open to the public, and no person shall be excluded therefrom except on special order of the judge, who, in his discretion, may close any hearing to the public when the public interest or the welfare of the child, in his opinion, is best served by so doing. All hearings involving unwed mothers, custody, or placement of ~~illegitimate~~ children shall remain confidential and closed to the public. Hearings involving more than one child may be held simultaneously where the several children involved are related to each other or were involved in the same transactions. The child and the parents or legal custodians of the child may be examined separately and apart from each other.

##### (2) WAIVER HEARING.—

(a) The state attorney may, within 5 days of the date a delinquency petition has been filed and before a hearing on the petition on its merits, and following consultation with the intake office, file a motion requesting the court to transfer the

child for criminal prosecution if the child was 14 or more years of age at the time of the conduct charged and is alleged to have committed an act which would be a violation of law if committed by an adult. *If the child has been previously adjudicated delinquent for one of the violent crimes to wit: murder, rape or sexual battery, armed robbery, or aggravated assault and is currently charged with a second or subsequent such offense, the state attorney shall file a motion requesting the court to transfer the child for criminal prosecution.*

(b) Following the filing of the motion of the state attorney, summonses shall be issued and served in conformity with the provisions of s.39.06. A copy of the motion and a copy of the delinquency petition, if not already served, shall be attached to each summons.

(c) The court shall conduct a hearing on all such motions for the purpose of determining whether a child should be transferred. In making its determination the court shall consider:

1. The seriousness of the alleged offense to the community and whether the protection of the community requires waiver;

2. Whether the alleged offense was committed in an aggressive, violent, premeditated or willful manner;

3. Whether the alleged offense was against persons or against property, greater weight being given to offenses against persons especially if personal injury resulted;

4. The prosecutive merit of the complaint, i.e., whether there is evidence upon which a grand jury may be expected to return an indictment;

5. The desirability of trial and disposition of the entire offense in one court when the juvenile's associates in the alleged crime are adults who will be charged with a crime;

6. The sophistication and maturity of the juvenile as determined by consideration of his home, environmental situation, emotional attitude and pattern of living;

7. The record and previous history of the juvenile, including previous contacts with the Division of Youth Services, and other law enforcement agencies, courts and prior periods of probation or prior commitments to juvenile institutions;

8. The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the juvenile, if he is found to have committed the alleged offenses, by the use of procedures, services, and facilities currently available to the court. ~~there is probable cause to believe the child committed the offense and whether there are reasonable prospects of rehabilitating the child prior to his majority. If the court finds there is probable cause but that there are no reasonable prospects of rehabilitating the child prior to his majority and that there are no reasonable grounds to believe he is amenable to an institution or agency for the mentally retarded or mentally ill, it shall order the case transferred for criminal prosecution.~~

(d) Evidence of the following factors shall be considered in determining whether there are reasonable prospects for rehabilitating a child prior to his majority:

1. The nature of the present offense and the extent and nature of the child's prior delinquency records.

2. The nature of past treatment efforts and the nature of the child's response to past treatment efforts.

3. The techniques, facilities, and personnel available to the court for rehabilitation.

(d)(e) Prior to a hearing, on the motion by the state attorney, a study and report to the court, in writing, relevant to the factors in paragraph (c) ~~subparagraphs 1, 2, and 3. of paragraph (d)~~ shall be made by an authorized agent of the Division of Youth Services. The child or his parents, guardians, or counsel shall have the right to examine these reports and to question the parties responsible for them at the hearing.

(e)(f) When a child is transferred for criminal prosecution, the court shall set forth in writing its reasons for *the transfer finding that there are no reasonable prospects for rehabilitating a child prior to his majority.*

(f)(g) A judge who conducts a hearing pursuant to this section shall not, over the objection of the child ~~whose prospects~~

~~for rehabilitation were at issue, participate in any subsequent proceedings relating to the offense.~~

(3) DISPOSITION HEARING.—At the disposition hearing, the court shall receive and consider a predisposition study, which shall be in writing and be presented by an authorized agent of the Division of Youth Services in delinquency ~~and need of supervision~~ cases and by an authorized agent of the Division of Family Services in dependency cases. This study shall not be made prior to the adjudication of delinquency ~~or, dependency, or need of supervision~~ unless the parents or custodians of the child consent thereto. Any other relevant and material evidence, including other written or oral reports, may be received by the court in its effort to determine the action to be taken with regard to the child, and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing.

Section 23. Section 39.10, Florida Statutes, is amended to read:

#### 39.10 Adjudication.—

(1) If the judge finds that the child named in a petition is not a child in need of supervision, a dependent child, or a delinquent child, he shall enter an order so finding and dismissing the case.

(2) If the judge finds that the child named in the petition is a child in need of supervision, a dependent child, or a delinquent child, but finds that no action other than supervision in his own home is required, he may, in his discretion, enter an order briefly stating the facts upon which his finding is based but withholding adjudication and placing the child on probation under the Division of Youth Services or placing the child's home under supervision under the division of family services. He may also, as a condition of probation, revoke or suspend the child's driver's license. Should the court later find that the child does not comply with the conditions of his probation, ~~or the custodians of the child with the conditions of the supervision imposed on their home,~~ the court may, after a hearing to establish the lack of compliance, but without further evidence of the state of a need of supervision, delinquency or dependency, adjudicate the child, and shall thereafter have full jurisdiction to deal with the child as adjudicated.

(3) *If the judge finds that the child named in the petition is a dependent child, but finds that no action other than supervision in his own home is required, he may, in his discretion, enter an order briefly stating the facts upon which his finding is based but withholding adjudication and placing the child's home under supervision under the Division of Family Services. Should the court later find that the custodians of the child do not comply with the conditions of supervision imposed on their home, the court may, after a hearing to establish the lack of compliance, but without further evidence of the state of dependency, adjudicate the child, and shall thereafter have full jurisdiction to deal with the child as adjudicated.*

(4)(3) If the judge finds that the child named in a petition is a dependent or delinquent child ~~or a child in need of supervision~~, but shall elect not to proceed under *subsections subsection (2) or (3) above*, he shall incorporate that finding in an order entered in the case, briefly stating the facts upon which the finding is made, and the court shall thereafter have full jurisdiction to deal with the child as adjudicated.

(5)(4) An adjudication by a court that a child is a dependent or delinquent child ~~or a child in need of supervision~~ shall not be deemed a conviction, nor shall the child be deemed to have been found guilty or to be a criminal by reason of that adjudication, nor shall that adjudication operate to impose upon the child any of the civil disabilities ordinarily imposed by or resulting from conviction or disqualify or prejudice the child in any civil service application or appointment.

(6)(5) In all cases in which one or both of the parents of a child is unable or unfit to be awarded custody and in which the child has a close relative who is fit, ready, able, and willing to be awarded such custody, the court shall award the custody of the child to such close relative and not to any foster home or agency of the state.

Section 24. Subsection (1) and paragraph (d) of subsection (2) of section 39.11, Florida Statutes, 1974 Supplement, are amended to read:

39.11 Powers with reference to a dependent or delinquent child or child in need of supervision.—

(1)(a) When any child shall be adjudicated for the first time by the court to be a child in need of supervision, the court having jurisdiction of the child shall have power by order to make any disposition authorized for a delinquent child except commitment to the Division of Youth Services.

(b) For any subsequent adjudications as a child in need of supervision, the court shall have power, by order, to make any disposition authorized for a delinquent child.

(c) The jurisdiction of the court and any commitment made pursuant to this ~~(subsection)~~ shall be continued until terminated by the court or until the child is discharged by the division or reaches the age of 18.

(1)(2) When any child shall be adjudicated by a court to be a dependent child, the court having jurisdiction of the child shall have the power, by order, to:

(d) Permanently commit the child to the Division of Family Services or a licensed child-placing agency willing to receive the child for subsequent adoption if the court finds that the child has been abandoned by the natural parent or parents, and legal guardian, if any, of the child; or that the parent or parents, and legal guardian, if any, have substantially and continuously or repeatedly refused, or though financially able have neglected, to give the child parental care and protection; or that the parent or parents, and legal guardian, if any, are unfit by reason of their conduct or condition which is seriously detrimental to the child's welfare; or if the parent or parents have voluntarily executed a written surrender of the child for subsequent adoption in the form required by paragraph (c) of subsection (6); and if the court finds that it is manifestly to the best interest of the child to do so. *The disposition provided by this paragraph is unavailable for any dependent child as defined in s.39.01(10)(h) and (i).*

Section 25. Subsection (2) of section 232.09, Florida Statutes, is amended to read:

232.09 Parents responsible for attendance of children.—Each parent of a child within the compulsory attendance age shall be responsible for such child's school attendance as required by law. The absence of a child from school shall be prima facie evidence of a violation of this section; provided, that no parent of a child shall be held responsible for such child's nonattendance at school under any of the following conditions:

(2) WITHOUT KNOWLEDGE OR UNABLE TO CONTROL.—The absence was without the parent's knowledge, consent, or connivance; or that he or she has made a bona fide and diligent effort to control and keep the child in school and that he or she is unable to do so; in which cases the child shall be dealt with as a *dependent child delinquent*; or

Section 26. Subsection (3) and paragraph (b) of subsection (6) of section 232.19, Florida Statutes, are amended to read:

232.19 Court procedure and penalties.—The court procedure and penalties for the enforcement of the provisions of this chapter, relating to compulsory school attendance, shall be as follows:

(3) HABITUAL TRUANCY CASES.—In case a child becomes an habitual truant the attendance assistant shall file with the Circuit Court a complaint alleging the facts *and the child shall be dealt with as a dependent child according to the provisions of chapter 39.*

(6) PENALTIES.—Penalties for refusing or failing to comply with the provisions of this chapter shall be as follows:

(b) ~~The child. The child who, because of irregular attendance, habitual truancy, or persistent misconduct, has become incorrigible and a menace to the school he attends or should attend shall be dealt with by the circuit court of the county, as if he were a child in need of supervision.~~

Section 27. Subsection (11) of section 39.01, Florida Statutes, as amended by chapter 74-368, Laws of Florida, is hereby repealed.

Section 28. All persons 18 years old or older who are committed to or under the supervision of the Division of Youth Services for an offense defined in s.39.01(11), Florida Statutes,

on the effective date of this act, shall be discharged, and all children 17 years old and younger who are committed to or under the supervision of the Division of Youth Services for an offense defined in s.39.01(11), Florida Statutes, on the effective date of this act, shall be transferred in an orderly manner to the child serving agency within the Department of Health and Rehabilitative Services.

Section 29. Every advisory council to the Department of Health and Rehabilitative Services in existence prior to the effective date of this act is hereby abolished, and all powers and duties of each such council are assigned to the appropriate program office advisory council within the department if such an appropriate advisory council is appointed.

Section 30. Subsection (7) is added to section 394.66, Florida Statutes, to read:

394.66 Legislative intent.—It is the intent of the legislature to:

(7) *Insure that, to the maximum degree feasible, the districts of the Department of Health and Rehabilitative Services are the focal point of all district board activities including budget submissions, grant applications, contracts, and other arrangements that can be effected at the district level.*

Section 31. In addition to his other duties, the secretary of the Department of Health and Rehabilitative Services shall be responsible for evaluation, departmental legal services and internal audit functions. The secretary may assign performance of such functions to any appropriate unit within the department.

Section 32. No legal or administrative proceeding pending as of the effective date of this act shall be abated because of any assignment made in this act, but the unit of the Department of Health and Rehabilitative Services to which the function relating to the pending proceeding is reassigned shall be substituted as a party in interest in such proceeding.

Section 33. Effective April 1, 1976, the blind services program functions of the Department of Health and Rehabilitative Services under part I of chapter 413, Florida Statutes, are transferred by a type four transfer, as defined in s.20.06(4), Florida Statutes, to the Department of Education.

Section 34. If any agency, program, activity, or function assigned herein is changed in name or substance by another act of the legislature during the 1975 regular session, the agency, program, activity, or function, as amended, is assigned in a manner consistent with the intent expressed by this act.

Section 35. The Division of Statutory Revision and Indexing of the Joint Legislative Management Committee shall prepare bills, for introduction by the substantive committees of the house of representatives and the senate at a subsequent session of the legislature, to further clarify the statutes so as to reflect the changes made by this act.

Section 36. 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 application, and to this end the provisions of this act are declared severable.

Section 37. Section 381.021, Florida Statutes, is hereby repealed.

Section 38. This act shall take effect July 1, 1975.

Conference Committee Amendment 2—Strike the title and insert: A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s.20.04(3), Florida Statutes, and s.20.19, Florida Statutes, 1974 Supplement; reorganizing the structure of the department and providing its purpose; providing powers and duties of its officers; prescribing service districts; providing district advisory councils; providing a statewide Human Rights Advocacy Committee and district human rights advocacy committees; providing for departmental budget; providing for transfers of funds, appropriations, and positions; adding s.110.051(2)(n), Florida Statutes, 1974 Supplement; exempting specified positions from the career service; providing for comprehensive program evaluation and automated information systems; providing for review and consolidation of program eligibility requirements; providing for purchase of services; providing for automatic repeal of existing departmental rules as of a specified date; establishing the location of department headquarters; repealing s.381.021, Florida Statutes, relating to the headquarters of the Division of Health;

providing for location of service facilities in community service centers; providing for reports with respect to internal reorganization; providing for annual reports to the governor and legislature; amending s.154.01, Florida Statutes, to require certain local health units to provide clinic care and health care delivery programs; amending s.154.04, Florida Statutes, to provide that personnel of local health units engage in the prevention of disease and promotion of health under the supervision of the department; abolishing existing advisory councils to department and providing for assignment of their powers and duties; amending s.39.01(4), (5), (10), (11), (18), (22), (23), (25), (27) and (28), Florida Statutes, 1974 Supplement, removing reference to the term "child in need of supervision" from definitions and including runaway children and children who are habitually truant within the definition of "dependent child"; providing a definition for an ungovernable child; amending s.39.02(1) and (4), Florida Statutes, 1974 Supplement, and ss.39.04(1), 39.05(2), (4), (5), and (7), 39.06(2) and (4) (a), and 39.08, Florida Statutes, to remove references to "a child in need of supervision" and to delete agents of the Division of Youth Services from the list of persons authorized to file a petition seeking an adjudication that a child is dependent; amending s.39.03(1)(d), (2)(b), (3)(a)-(c), (7)(b), Florida Statutes, to authorize a law enforcement officer to take a runaway child into custody for the purpose of delivering the child to his parents, guardians or an agent of the Division of Family Services, to remove references to "a child in need of supervision", and to provide procedures for detention hearings with respect to children twice previously adjudicated delinquent and charged with a third and subsequent delinquency involving a felony; amending s.39.09(1)(b), (2) and (3), Florida Statutes; removing references to "a child in need of supervision"; providing that if a child has been previously adjudicated delinquent for a specified violent crime and is charged with a second or subsequent such offense, the state attorney shall move to transfer the child for criminal prosecution; providing guidelines for the court in making its determination with respect to motions to transfer a child for criminal prosecution; amending s.39.10, Florida Statutes; providing a procedure for withholding adjudication of a dependent child who needs supervision in his own home; removing references to "a child in need of supervision"; amending s.39.11(1) and (2)(d), Florida Statutes, 1974 Supplement; removing the procedure with reference to the adjudication that a child is a "child in need of supervision"; amending s.232.09(2), Florida Statutes; providing that when a child is absent from school without the knowledge of his parents or guardians, or is beyond their control with regard to school attendance, the child shall be dealt with as a dependent child; amending s.232.19(3) and (6)(b), Florida Statutes; providing that a child who is habitually truant shall be dealt with as a dependent child; removing provisions which provide for the treatment of incorrigible children for purposes of school attendance and misconduct in school as children in need of supervision; repealing s.39.01(11), Florida Statutes, 1974 Supplement, to delete the definition of "child in need of supervision" from Chapter 39, Florida Statutes; providing for the discharge of persons 18 or older who are presently being treated as children in need of supervision under the Division of Youth Services, and for the transfer of children 17 and younger who are presently being so treated to the child-serving agency of the Department of Health and Rehabilitative Services; adding s.394.66(7), Florida Statutes, providing additional legislative intent with respect to community mental health services; transferring the blind services program functions of the department to the Department of Education; providing severability; providing an effective date.

On motion by Senator Gordon Rule 4.5 was waived and the report of the Conference Committee on CS for SB 165 was read a second time.

On motion by Senator Gordon the Conference Committee Report was adopted, and CS for SB 165 passed as recommended. The vote on passage was:

Yeas—34

Mr. President	Graham	Poston	Thomas, P.
Brantley	Hair	Renick	Trask
Childers, D.	Henderson	Saunders	Vogt
Childers, W. D.	Johnston	Sayler	Ware
Deeb	Lewis	Scarborough	Wilson
Dunn	McClain	Sims	Winn
Firestone	Myers	Spicola	Zinkil
Gallen	Peterson	Stolzenburg	
Gordon	Plante	Thomas, J.	

Nays—2

Glisson Lane, D.

By unanimous consent Senator J. Lane was recorded as voting yea.

On motion by Senator Gordon, CS for SB 165 was immediately certified to the House together with the Conference Committee Report.

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

**CONFERENCE COMMITTEE REPORT ON CS FOR SB 169**

The Honorable Dempsey J. Barron  
President of the Senate

The Honorable Donald L. Tucker  
Speaker of the House of Representatives

Sirs:

Your Conference Committee on the disagreeing votes of the two Houses on House amendments to the Committee Substitute for Senate Bill 169, same being:

A bill to be entitled an act relating to correctional reorganization; creating s.20.315, Florida Statutes, to create a Department of Corrections; providing for the internal structure of the department; providing for adult corrections district advisory councils; transferring the Division of Corrections, the Vocational Training Advisory Council of the Department of Health and Rehabilitative Services and the functions of the Parole and Probation Commission relating to the supervision of parolees and probationers to the new department; amending s.20.32(1), Florida Statutes, providing powers of the commission; providing for adoption by the commission of rules for the supervision of parolees and probationers and the violation of parole and probation; providing for enforcement; providing for suspension and removal or discharge from employment for willful violation of such rules by officers and employees; adding s.110.051(2)(n), Florida Statutes, to exempt specified positions from the career service; providing duties of the Department of Administration; providing certain duties of the Department of Corrections; providing for discharges from commitments; providing for commitments; providing duties of the Department of Health and Rehabilitative Services; providing for continuing effectiveness of specified rules; providing severability; adding s.921.231(4), Florida Statutes, 1974 Supplement; providing requirements for non-confidential portion of presentence investigation reports; amending s.944.024(1), Florida Statutes, 1974 Supplement; providing a procedure for the performance of pretrial investigations; amending s.945.10(4), Florida Statutes, 1974 Supplement; providing for cooperation of the Department of Corrections, the Department of Health and Rehabilitative Services, and the Parole and Probation Commission; amending s.945.025(3), Florida Statutes, 1974 Supplement, providing that no correctional facility shall be established by changing the use and purpose of any mental health facility or institution under the jurisdiction of any state agency or department without prior approval of the legislature; providing for information on released felons by the Parole Commission; repealing s.947.081, Florida Statutes, relating to the Department of Community Services of the Parole and Probation Commission; 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 House 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.
3. That the Senate and the House of Representatives pass Committee Substitute for Senate Bill 169 as amended by said Conference Committee amendments.

*Jack Gordon, Chairman*  
*Don Childers*  
*Kenneth MacKay*  
*Ken Myers*  
*Ken Plante*

*Barry Kutun, Chairman*  
*Earl Dixon*  
*Ed Fortune*  
*Donald F. Hazelton*  
*Robert Hector*  
*Jane Robinson (alternate)*

(Managers on the part of the Senate)

(Managers on the part of the House)

**Conference Committee Amendment 1**—Pages 2-16 strike everything after the enacting clause and insert the following:

Section 1. Short title.—This act shall be known and may be cited as the "Correctional Organization Act of 1975."

Section 2. Section 20.315, Florida Statutes, is created to read:

20.315 Department of Offender Rehabilitation.—There is created a Department of Offender Rehabilitation.

(1) **PURPOSE.**—The purpose of the Department of Offender Rehabilitation is to integrate the delivery of all offender rehabilitation and incarceration services that are deemed necessary for the rehabilitation of offenders and protection of society. The goals of the department shall be:

(a) To protect society by providing incarceration as an appropriate deterrent to the commission of crime.

(b) To protect society by substituting for retributive punishment, methods of training and treatment which correct and rehabilitate offenders who violate laws.

(c) To provide an environment for incarcerated persons in which rehabilitation is possible. This should include the protection of the offender from victimization within the institution, and the development of a system of due process and internal legality in institutions.

(d) To provide meaningful community supervision for offenders on parole and probation and to develop community alternatives to traditional incarceration which could be safely used.

(e) To provide rehabilitative programs, which may include both academic and vocational education, to incarcerated offenders and offenders being supervised in the community.

(f) To provide judges with effective evaluative tools and information for use in the sentencing decision.

(g) To provide the necessary level of security in institutions.

(2) It is the intent of the legislature that recognition be given to the inescapable interrelationship between the various needs of departmental clients. Therefore, the legislature intends that the newly organized department focus its attention on the total spectrum of needs of the offender. To this end, the Legislature reaffirms its commitment to a "whole person" approach to rehabilitation and problem solving.

(3) It is the intent of the legislature that the Department of Offender Rehabilitation develop a comprehensive program for the treatment of youthful offenders committed to the department of offender rehabilitation. This program shall include provisions for separate facilities and programs for the treatment of youthful offenders.

(4) **REGIONS.**—The department shall plan and administer its programs of correctional services through service regions composed of the following counties:

Region 1 - Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Gadsden, Liberty, Franklin, Leon, Wakulla, and Jefferson Counties;

Region 2 - Madison, Taylor, Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Alachua, Union, Bradford, Baker, Nassau, Duval, Clay, St. Johns, Putnam, Flagler, and Volusia Counties;

Region 3 - Marion, Citrus, Hernando, Sumter, Lake, Orange, Osceola, Seminole and Brevard Counties;

Region 4 - Indian River, Okeechobee, St. Lucie, Martin, Palm Beach, Broward, Monroe, and Dade Counties; and

Region 5 - Pasco, Pinellas, Hillsborough, Polk, Hardee, Highlands, Manatee, Sarasota, DeSoto, Charlotte, Glades, Lee, Hendry, and Collier Counties.

To effect the orderly provision of services within a region the secretary may, by rule, designate service areas within the region, provided that these service areas shall conform to judicial circuits.

(5) **DIVISION OF CORRECTIONS; TRANSFER.**—All powers, duties and functions of the Division of Corrections of the Department of Health and Rehabilitative Services created under s.20.19(2)(b), and its proportionate share of departmental administrative support services and all divisional facilities, are hereby transferred by a type four transfer pursuant to s.20.06(4) to the Department of Offender Rehabilitation.

(6) **PAROLE AND PROBATION COMMISSION; TRANSFER.**—All powers, duties and functions of the Parole and Probation Commission, except those relating to the exercise of its quasi-judicial duties and functions, as provided by law, are hereby transferred by a type four transfer pursuant to s.20.06(4) to the Department of Offender Rehabilitation. This transfer shall include all court-related investigations, all supervision of parolees and probationers, administrative support services, data collection and information systems, field offices and other programs, and services and resources of the commission which are not necessary for the immediate support of the commissioners. The commission shall retain 155 positions and may add, delete, classify, and reclassify such positions without Department of Administration approval during fiscal year 1975-76. The Department of Offender Rehabilitation shall perform statistical analysis, research, and program evaluation for the Parole and Probation Commission. There shall be only one offender-based information and records system maintained by the Department of Offender Rehabilitation for the joint use of the Department of Offender Rehabilitation and the Parole and Probation Commission. The Department of Offender Rehabilitation shall develop, in consultation with the Parole and Probation Commission, such offender-based information system designed to serve the needs of both agencies. The Department shall notify the Commission of all violations of parole and the circumstances thereof.

(7) The Department of Administration shall supervise and direct the various transfers authorized by this act.

(8) **SECRETARY OF OFFENDER REHABILITATION; DEPUTY SECRETARY.**—

(a) The head of the Department of Offender Rehabilitation is the Secretary of Offender Rehabilitation. The secretary shall be appointed by the Governor, subject to confirmation by the Senate, and shall serve at the pleasure of the Governor. The secretary is the chief administrative officer of the department and shall have the authority and responsibility to plan, direct, coordinate, and execute the powers, duties, and responsibilities assigned to the Department. The responsibilities of the secretary shall include, but not be limited to:

1. Setting departmental priorities.

2. Appointing the assistant secretary for operations, the assistant secretary for management and budget, the assistant secretary for programs, program directors, and regional directors.

3. Directing the management, planning, and budgeting processes.

4. Supervising and directing the promulgation of all departmental rules.

(b) The secretary shall appoint a deputy secretary who shall act in the absence of the secretary. The deputy secretary shall be directly responsible to the secretary, shall perform those duties that are assigned to him by the secretary, and shall be fully authorized to act on behalf of the secretary in all matters affecting the department. The deputy secretary shall serve at the pleasure of the secretary.

(9) **ASSISTANT SECRETARY FOR OPERATIONS.**—The assistant secretary for operations shall exercise statewide supervision over all service programs of the department, including the coordination and provision of all services in parole and probation supervision, intake, case management, diagnosis and

evaluation, classification, and the management of all institutional and noninstitutional community residential and community nonresidential programs of the department.

(10) **ASSISTANT SECRETARY FOR PROGRAMS.**—The assistant secretary for programs shall have the responsibility for coordinating and integrating the operations of the program offices and such other program development and planning duties as are assigned by the secretary. The assistant secretary for programs shall be responsible for service program development and planning; program research, identifying client needs and recommending solutions and priorities; developing client service programs, including the policies and standards therefor; providing technical assistance to the district administrators; reviewing and monitoring regional-level program operations; assuring uniform program quality among regions; developing funding sources external to state government; and obtaining, approving, monitoring and coordinating research and program development grants; but shall not involve line authority over any service program operations of the department, including the management of institutions, residential treatment programs, and the supervision of probationers and parolees.

(11) **PROGRAM OFFICES.**—Program offices shall be designed to operate in a staff capacity to the assistant secretary for programs. Each program office shall be headed by a program office director who is appointed by the secretary and reports directly to the assistant secretary for programs. Program offices shall not have any line authority over regional operations. In no case shall the total professional staff of all of the program offices and the assistant secretary for programs office exceed 200 persons. The assistant secretary for programs shall delegate to the program offices the following responsibilities which shall include but not be limited to:

1. Aiding in the identification of client needs.
2. Developing program policies.
3. Setting, monitoring, and controlling the quality of program standards.
4. Developing staff development, training, and technical assistance programs.
5. Developing state program plans and implementing directives, rules and procedures for the secretary.
6. Other duties as assigned by the secretary.

(c) The following program offices are established:

1. **Adult services program office.**—The responsibilities of this office shall relate directly to the custody, care, treatment and rehabilitation of adult offenders committed to the Department of Offender Rehabilitation.

2. **Youth offender program office.**—The responsibilities of this office shall relate directly to the development of a comprehensive youthful offender program sufficient to meet the needs of youths committed to the Department of Offender Rehabilitation. This program shall include but not be limited to the custody, care, treatment, and rehabilitation of youthful offenders.

3. **Community services program office.**—The responsibilities of this office shall relate directly to community supervision, intake, investigation, and initial classification of offenders.

4. **Health and education services program office.**—The responsibilities of this office shall relate directly to both the development of a comprehensive departmentwide health delivery system and an education and rehabilitation program.

(d) The governor may appoint an advisory council for the purpose of acting as an advisory body to the program offices. Members shall serve staggered terms not to exceed four years, although they may be appointed to one subsequent term. Members shall receive no compensation but shall be reimbursed for per diem and travel expenses in accordance with the provisions of s.112.061.

(e) The salary of a program office director shall be set at a level equal to that of a division director.

(12) **OFFICE OF MANAGEMENT AND BUDGET.**—

(a) There is created within the department an office of management and budget. The head of the office of manage-

ment and budget is the assistant secretary for management and budget, who shall be appointed by the secretary. The assistant secretary for the office of management and budget shall report directly to the secretary. All management, evaluation and administrative functions heretofore carried out by the various line divisions of the department are assigned to the office of management and budget.

(b) The office of management and budget shall be responsible for all departmentwide functions in the areas of management services, financial services, and management analysis. Further responsibilities shall include, but not be limited to:

1. Program evaluation.
2. Budget preparation and aggregation.
3. Grants management and disbursement.
4. Accounting.
5. Internal audit.
6. Facilities housekeeping, maintenance and management, including design, construction, and leases.
7. Personnel.
8. Information systems development.
9. Legal services.
10. Purchasing.

(c) The office of management and budget shall also be responsible for the development of uniform implementation and monitoring procedures for all administrative support services at the regional level as well as reviewing the effectiveness and efficiency of these support services.

(13) **REGIONAL DIRECTORS.**—

(a) The chief administrative officer of each region is the regional director. The regional director shall be appointed by the secretary and shall be directly responsible to the assistant secretary for operations. The position of regional director shall be classified at a level equal to a division director.

(b) The duties and responsibilities of the regional director shall include, but not be limited to:

1. Administration and coordination of all planning, evaluation, administrative support and direct program operation functions within the region.
2. Applying standard information, referral, diagnostic and evaluation, classification, and case management procedures for the provision of services within the region.
3. Appointment of program supervisors in conformity with qualifications established by the department.
4. Notwithstanding the provisions of ss.216.292 and 216.351, authority to transfer up to 10 percent of the total regional budget, subject to the approval of the secretary, to maximize effective program operations.
5. Meeting regularly with other regional directors to make recommendations for modifications in program policies to state program directors and to the secretary.

(14) **REGIONAL ADVISORY COUNCILS.**—

(a) In each region there shall be a regional advisory council. Each regional advisory council shall elect a chairman, a vice-chairman, and a secretary, each of whose terms shall be for one year. The regional director shall be a nonvoting ex officio member. The council shall be composed of:

1. One representative of the state attorneys in the region.
2. One representative of the public defenders in the region.
3. One sheriff of a county in the region.
4. Four citizen representatives from the region.
5. One member of a district school board of a school district within the region.
6. One circuit judge exercising juvenile jurisdiction within the region.

7. One circuit judge exercising criminal jurisdiction within the region.

8. One member of a board of county commissioners of a county within the region.

9. One representative of the Florida state employment service of the department of commerce.

(b) The council shall be advisory in nature. It shall communicate the ideas of the community and the local criminal justice system to the regional administration of the Department of Offender Rehabilitation. The duties and responsibilities of the regional advisory council shall include, but not be limited to:

1. Recommending to the regional director modifications in state program policy.

2. Providing a forum for receiving citizen complaints and holding hearings on general problems relating to the department.

3. Providing advice on program coordination within the region.

(c) The citizen members and representatives of the criminal justice system shall be appointed by the governor. All appointed members of the regional advisory council shall serve for terms of 4 years, except that at the time of the first appointment, three members shall serve for 1 year, three members shall serve for 2 years, three members shall serve for 3 years, and three members shall serve for 4 years.

(d) The governor shall fill all appointive vacancies on the regional advisory council for the balance of the unexpired term.

(e) Before November 1 of each year, the secretary shall hold a meeting to which each district advisory council shall send three of its members to discuss the department's budget request and recommendations to the legislature and to provide the secretary with an analysis of needs within the districts. The council shall meet quarterly or at the call of the chairman or upon petition of a majority of the members.

(f) Members of the regional advisory council shall receive no compensation but shall be reimbursed for per diem and travel expenses by the department in accordance with the provisions of s.112.061.

(g) Each regional advisory council shall designate a sub-council from its membership for each service area designated by the secretary.

#### (15) REGIONAL OFFICE OF MANAGEMENT AND BUDGET.—

(a) There shall be an office of management and budget in each region which shall provide the following administrative support functions to the regional office:

1. Management evaluation and monitoring.
2. Regional management planning.
3. Accounting.
4. Grants management and disbursement.
5. Personnel.
6. Legal services for program support.
7. Purchasing.
8. Facilities housekeeping and maintenance.
9. Preparation of the regional budget request and administration of the approved operating budget.
10. Other responsibilities as assigned by the regional director.

(b) The director of the regional office of management and budget shall be appointed by the regional director in conformity with qualifications established by the department. The regional office of management and budget shall carry out its duties and responsibilities in accordance with departmental policy.

#### (16) PROGRAM OPERATIONS.—

(a) The regional office shall provide direct management and supervision of departmental programs within the region.

All superintendents of correctional facilities and supervisors of program operations in the region shall report to the regional director.

(b) In each region, in accordance with state program policy, there shall be developed a regional correctional program which shall include at least the following components:

1. Major correctional institutions in regions where they are located.

2. Intake programs.

3. Community residential programs.

4. Community services which shall include, at least, parole and probation supervision, classification, and investigation. Classification, investigation, and parole and probation supervision may be organized in such a fashion so as to permit the separation of youthful offenders and adults. The department may deploy its counselors in youthful offender and adult specialties; however, there shall be a single administrative and supervisory structure.

(c) All intake and community service programs shall be organized in accordance with boundaries of judicial circuits.

(d) All institutions and program operations, working with the regional office of management and budget, shall purchase specialized services when available and appropriate rather than develop a service capability within the institution or program.

(e) In order to efficiently direct departmental programs in the region, the regional director may appoint local program supervisors. The program supervisor shall have the following duties:

1. Direct all local program operations, under his supervision, in accordance with the policy guidelines and program direction provided by state program offices.

2. Make recommendations on budget priorities and resource allocations to the regional director.

3. Identify and develop community resources and needs.

#### (17) DEPARTMENTAL BUDGETS.—

(a) The secretary shall develop and submit annually to the Legislature a comprehensive departmental summary budget document which shall array regional budget requests along program lines. This summary document shall, for the purpose of legislative appropriation, consist of 3 distinct budget entities:

1. Office of the secretary and office of management and budget.

2. The assistant secretary for programs and all program offices.

3. The assistant secretary for operations and all regional services.

(b) To fulfill this responsibility, the secretary shall have the authority to review, amend and approve the annual budget requests of all departmental activities. Recommendations on departmental budget priorities shall be furnished to the secretary by the assistant secretary for operations, assistant secretary for management and budget, and the assistant secretary for programs. In addition, the secretary, notwithstanding the provisions of ss.216.292 and 216.351, may, whenever deemed necessary by reason of significantly changed conditions, transfer funds between the approved operating budgets of the regions. The total of such transfers may not exceed five percent of the operating budget of an individual region during any fiscal year.

(c) It is the responsibility of the Office of Management and Budget to promulgate the necessary budget timetables, formats and data requirements for all departmental budget requests. This shall be done in accordance with statewide budget requirements of the Department of Administration.

(d) It is the responsibility of the regional director to develop an annual budget request to be reviewed, amended and approved by the secretary. Upon appropriation of an approved regional budget, the regional director shall be responsible for the execution of the operating budget during the fiscal year. Notwithstanding the provisions of ss.216.292 and 216.351, whenever deemed necessary by significantly changed conditions, the

regional director may, subject to approval of the secretary, transfer funds between the various programs in the region. The total of such transfers may not exceed 10 percent of the approved operating budget of a region during any fiscal year.

(18) INFORMATION SYSTEMS.—

(a) The secretary shall implement a priority program aimed at the design, testing, and integration of automated information systems necessary for effective and efficient management of the department. These systems shall contain, as a minimum, management data, offender data and program data deemed essential for the ongoing administration of programs, as well as for the purpose of management decisions. It is the intent of the Legislature that these systems be developed with the idea of providing maximum administrative support to program operations. It is also essential that these systems comply with federal program requirements and insure confidentiality of client information.

(b) For the purpose of funding this effort, the department shall include in its annual budget request a comprehensive summary of costs involved, as well as manpower saved, in the establishment of these automated systems. This budget request shall also include a complete inventory of current staff, equipment and facility resources available for completion of the desired systems. The department shall review all forms for duplicative content and, to the maximum extent possible, reduce, consolidate, and eliminate such duplication to provide for a uniform and concise information collection system.

(19) POWERS OF THE SECRETARY.—

(a) For the purpose of organizing the Department of Offender Rehabilitation and notwithstanding the provisions of s.216.351, Florida Statutes, the secretary is authorized, for fiscal year 1975-76, to transfer appropriated funds within the department to administer more effectively its authorized and approved programs. In addition, notwithstanding the provisions of s.110.022 and s.216.351, Florida Statutes, the secretary is authorized, for fiscal year 1975-76, to add, delete, classify, reclassify, and transfer authorized positions within the department and to establish new classifications of positions to administer more effectively its authorized and approved programs; provided, however, that total personnel costs and that the total number of personnel shall not exceed the number authorized in the general appropriations act. In addition, unless expressly provided by law, the total of the Department of Offender Rehabilitation's approved budget shall not exceed the total appropriation therefor, as authorized in the general appropriations act.

(b) The department's budget request for fiscal year 1976-77 shall reflect all transfers of funds and positions for all reorganization activities within the department for final authorization by the Legislature. These powers shall be in addition to those granted in subsection (16).

(20) TRANSFER OF AUTHORITY.—

(a) All statutory functions of the Department of Offender Rehabilitation not otherwise herein assigned to a specific unit of the department are assigned generally to the department and may be allocated and reallocated by the secretary to an authorized unit of the department.

(b) The Department of Offender Rehabilitation, in cooperation with the Department of Health and Rehabilitative Services and the Department of Administration, shall identify appropriate juvenile facilities and their attendant support costs to be transferred from the Department of Health and Rehabilitative Services to the Department of Offender Rehabilitation. The transfer of such facilities shall take effect on or before January 1, 1977. The Department of Offender Rehabilitation shall submit a plan for such transfer to the legislature by April 1, 1976.

(21) PROGRAM EVALUATION.—A comprehensive program evaluation system shall be established which shall encompass all major programs of the department. The department shall establish measurable program objectives and performance criteria for each program it operates. The system of evaluation to be established shall require all programs to develop quantifiable goals and to estimate the cost of attaining the goals in advance. Studies of the relative cost and effectiveness of departmental and alternative programs shall be conducted. The department shall develop a program evaluation schedule and shall evaluate at least 20 percent of its programs annually.

The department shall submit these evaluation schedules and reports to the appropriate substantive committees of both houses of the legislature for review. Where possible, the departmental management information system shall provide the basic information for program evaluation studies for the department and the parole and probation commission.

(22) RULES.—The department shall develop and publish new rules in accordance with chapter 120, Florida Statutes, in such time as to take effect by October 1, 1976. All rules of the division of corrections and the parole and probation commission in effect or filed with the Department of State prior to the effective date of this act and transferred in accordance with the provisions of this act are repealed on October 1, 1976.

(23) ADVISORY COUNCILS.—All advisory councils to the Division of Corrections or related to the field staff function of the Parole and Probation Commission in existence prior to the effective date of this act are abolished and their duties and responsibilities are transferred to the advisory councils of the program offices created by this act.

Section 3. No legal or administrative proceeding pending as of the effective date of this act shall be abated because of any assignment made in this act, but the unit of the Department of Offender Rehabilitation to which the function relating to the pending proceeding is reassigned shall be substituted as a party in interest in such proceeding.

Section 4. The Department of Offender Rehabilitation shall submit to the president of the senate, the speaker of the house of representatives, and the secretary of the Department of Administration on a monthly basis during fiscal year 1975-1976, a written report, detailing the department's progress with respect to internal reorganization, including all actions taken under the authority of subsection (21) of s.20.315, and the plan for subsequent months for implementing the provisions of this act. The first such report shall be submitted by August 1, 1975. After July 1, 1976, the Department of Offender Rehabilitation shall make an annual report to the governor and the legislature, reflecting its activities and making recommendations for improvement of the services to be performed by the department. Such report shall be on the basis of a fiscal year. Notwithstanding the provisions of other statutes, such report shall be the only annual report required by law to be submitted by the department; provided, however, that the department shall continue to make such other reports as are provided for in this act or are specifically requested by the governor or any officer, member or committee of the legislature.

Section 5. Subsection (7) is added to section 20.04, Florida Statutes, to read:

20.04 Structure of executive branch.—The executive branch of state government is structured as follows:

(7) *Within the Department of Offender Rehabilitation the principal policy and program development unit of the department is the "office." Each "office" shall be headed by a director.*

Section 6. The Division of Statutory Revision and Indexing of the Joint Legislative Management Committee shall prepare bills, for introduction by the appropriate substantive committees of the house of representatives and the senate at a subsequent session of the legislature, to further clarify the statutes so as to reflect the changes made by this act.

Section 7. If any agency, program, activity or function assigned herein is changed in name or substance by another act of the Legislature during the 1975 regular session, the agency, program, activity or function, as amended, is assigned in a manner consistent with the intent expressed by this act.

Section 8. 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 9. The Department of Offender Rehabilitation shall classify its programs according to the character and range of services available for its clients. The department shall place each offender in the program or facility most appropriate to

the offender's needs, subject to budgetary limitations and the availability of space.

Section 10. When the law grants to an agent, officer, or administrator of the Department of Offender Rehabilitation, the authority to make a discharge from commitment, such authority shall be vested in the secretary of offender rehabilitation, or in any agent who in his discretion the secretary may authorize.

Section 11. All commitments authorized to be made by law to the supervision of the Parole and Probation Commission or the Division of Corrections shall be made to the supervision of the Department of Offender Rehabilitation. All commitments shall state the statutory authority therefor. The secretary of offender rehabilitation shall have the authority to prescribe the form to be used for commitments. Nothing in this act shall be construed to abridge the authority and responsibility of the Parole and Probation Commission with respect to the granting and revocation of parole. The Department of Offender Rehabilitation shall notify the Parole and Probation Commission of all violations of parole conditions and provide reports connected thereto as may be requested by the Commission. The Commission shall have the authority to issue orders dealing with supervision of specific parolees, and such orders shall be binding on all parties.

Section 12. Subsection (4) is added to section 921.231, Florida Statutes, 1974 Supplement, to read:

921.231 Presentence investigation reports.—

(4) *The nonconfidential portion of the pre-sentence investigation shall constitute the basic classification and evaluation document of the Department of Offender Rehabilitation and shall contain a recommendation to the court on the treatment program most appropriate to the diagnosed needs of the offender based upon the offender's custody classification, rehabilitative requirements, and the utilization of treatment resources in proximity to the offender's home environment.*

Section 13. Subsection (1) of section 944.024, Florida Statutes, 1974 Supplement, is amended to read:

944.024 Adult intake and evaluation.—The state system of adult intake and evaluation shall include:

(1) *The performance of pretrial investigation through a decentralized community-based procedure when applicable.*

Section 14. Section 945.025(3), Florida Statutes, 1974 Supplement, is amended to read:

945.025 Jurisdiction of division.—

(3) *There shall be other correctional facilities, including detention facilities of varying levels of security, work-release facilities, and community correctional facilities, half-way houses, and other approved community residential and nonresidential facilities and programs, provided that no adult correctional facility shall be established by changing the use and purpose of any mental health facility or mental health institution under the jurisdiction of any state agency or department without authorization in the general appropriation act or other approval by the legislature. Any facility, the purpose and use of which was changed subsequent to January 1, 1975, shall be returned to its original use and purpose by July 1, 1977; provided, however, that the conversion of the G. Pierce Wood Memorial Hospital located at Arcadia, DeSoto County, into a correctional facility may be completed and continued only after a demonstration that it would be less costly and that substantial economic benefit would accrue to the state when compared with other viable alternatives to the conversion of said facility. Any community residential facility may be deemed a part of the state correctional system for purposes of maintaining custody of offenders, and for this purpose the division may contract for and purchase the services of such facilities.*

Section 15. The Parole and Probation Commission shall, within 10 days of the anticipated date of release of an inmate on parole, inform the appropriate local criminal justice agencies in the community in which the inmate is scheduled to be released.

Section 16. Section 947.081, Florida Statutes, is hereby repealed.

Section 17. **Effective date.**—This act shall take effect July 1, 1975. The department shall complete reorganizing by July 1, 1976.

**Conference Committee Amendment 2**—Strike all of lines 3-31 on page 1 and all of lines 1-26 on page 2 and insert the following: A bill to be entitled An act relating to governmental organization; creating a Department of Offender Rehabilitation; providing for departmental purpose; providing for correctional service programs planned and administered through specified service regions; transferring the powers, duties, functions, support services, and facilities of the Division of Corrections of the Department of Health and Rehabilitative Services to the Department of Offender Rehabilitation; transferring certain powers, duties, and functions of the Parole and Probation Commission to the Department of Offender Rehabilitation; providing duties for the Department of Offender Rehabilitation; providing for appointment and responsibilities of a secretary of Offender Rehabilitation; providing for internal organization, staffing, and management of the department; providing for regional directors and advisory councils; providing for organization, staffing, management, and responsibilities of regional offices; providing for continuity of certain pending proceedings; requiring certain reports; adding subsection (7) to s.20.04, Florida Statutes, providing for the designation of principal units within the Department of Offender Rehabilitation; providing for statutory clarification; providing for program classification and offender placement; placing authority to make a discharge from commitment; adding subsection (4) to s.921.231, Florida Statutes, 1974 Supplement, designating certain basic classification and evaluation documents; amending s.944.024(1), Florida Statutes, 1974 Supplement, providing for decentralized procedures of pretrial investigation; amending s.945.025(3), Florida Statutes, 1974 Supplement, placing restrictions upon the establishment of adult correctional facilities; requiring certain notice of inmate release; repealing s.947.081, Florida Statutes, relating to establishment of Departments of Community Services; providing for other matters relative to the foregoing; providing for severability; providing an effective date.

On motion by Senator Gordon Rule 4.5 was waived and the report of the Conference Committee on CS for SB 169 was read the second time.

On motion by Senator Gordon the Conference Committee Report was adopted, and CS for SB 169 passed as recommended. The vote on passage was:

Yeas—33

Mr. President	Hair	Plante	Trask
Brantley	Henderson	Poston	Vogt
Childers, D.	Holloway	Renick	Ware
Childers, W. D.	Johnston	Saunders	Wilson
Deeb	Lane, D.	Sims	Winn
Dunn	Lane, J.	Spicola	Zinkil
Firestone	Lewis	Stolzenburg	
Gordon	MacKay	Thomas, J.	
Graham	Myers	Thomas, P.	

Nays—3

Gallen	McClain	Sayler
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By unanimous consent Senators Peterson, Glisson and Tobiasen were recorded as voting yea.

On motion by Senator Gordon, CS for SB 169 was immediately certified to the House together with the Conference Committee Report.

On motions by Senator MacKay, by two-thirds vote Senate Bills 268 and 1356 were withdrawn from the Committee on Rules and Calendar and placed on the calendar.

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

SB 268—A bill to be entitled An act amending Chapter 65-1905, Laws of Florida, 1965, as amended by Chapter 71-767, Laws of Florida, 1971, being the Marion County Hospital District; amending Section 3 of Chapter 65-1905, as amended by

Section 1 of Chapter 71-767, Laws of Florida; providing for the Board of Trustees to be increased from five (5) to seven (7) members; providing for continuation of present trustees; providing for the qualification of two (2) additional trustees; and providing an effective date.

—which was read the second time by title. On motion by Senator MacKay, by two-thirds vote SB 268 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Henderson	Poston	Tobiassen
Brantley	Holloway	Renick	Trask
Childers, D.	Johnston	Saunders	Vogt
Childers, W. D.	Lane, D.	Sayler	Ware
Deeb	Lane, J.	Scarborough	Wilson
Dunn	Lewis	Sims	Winn
Firestone	MacKay	Spicola	Zinkil
Gallen	McClain	Stolzenburg	
Graham	Peterson	Thomas, J.	
Hair	Plante	Thomas, P.	

Nays—None

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

SB 1356—A bill to be entitled An act relating to Columbia County; repealing chapter 27476, Laws of Florida, 1951, and chapter 61-1594, Laws of Florida, relating to the election, duties and compensation of the county attorney for Columbia County; allowing the completion of the current term; providing an effective date.

—which was read the second time by title. On motion by Senator MacKay, by two-thirds vote SB 1356 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Henderson	Poston	Tobiassen
Brantley	Holloway	Renick	Trask
Childers, D.	Johnston	Saunders	Vogt
Childers, W. D.	Lane, D.	Sayler	Ware
Deeb	Lane, J.	Scarborough	Wilson
Dunn	Lewis	Sims	Winn
Firestone	MacKay	Spicola	Zinkil
Gallen	McClain	Stolzenburg	
Graham	Peterson	Thomas, J.	
Hair	Plante	Thomas, P.	

Nays—None

On motion by Senator Plante, by two-thirds vote HB 1799 was withdrawn from the Committee on Ways and Means and placed on the calendar.

On motion by Senator Plante, by two-thirds vote SB 1188 was withdrawn from the Committee on Commerce.

On motions by Senator Myers, by two-thirds vote House Bills 135, 158, 182, 290, 970, 1972 and 2040 and SB 766 were withdrawn from the Committee on Governmental Operations.

On motion by Senator Myers, by two-thirds vote SB 1311 was withdrawn from the Committee on Ways and Means and placed on the calendar.

On motion by Senator Gallen, Rule 2.6 was waived and the Committee on Judiciary-Civil was granted permission to consider Senate Bills 711, 734, 1248 and 590 May 27.

On motions by Senator Gallen, by two-thirds vote Senate Bills 1113 and 818 were withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Tobiassen, by two-thirds vote SB 1043 was withdrawn from the Committee on Ways and Means.

On motion by Senator Graham, Rule 2.6 was waived and the Committee on Education was granted permission to consider House Bills 401, 809, 1164, 1280, 2075, 2174, 1972 and 2040 May 27.

On motions by Senator Graham, by two-thirds vote House Bills 1909 and 1911 were withdrawn from the Committee on Education.

Senator Graham announced that Subcommittee B of the Committee on Ways and Means would meet at 8:00 a.m. May 27 to consider Senate Bills 1013 and 1200.

On motion by Senator Brantley, the rules were waived and time of adjournment was extended until completion of introduction of bills.

INTRODUCTION

By Senators Scarborough, Hair and Brantley—

SB 1358—A bill to be entitled An act relating to the Jacksonville Electric Authority; amending subsection (2) of section 10 of chapter 67-1569, Laws of Florida, as amended, to exempt from bid provisions supplies, materials and services when reasonably procurable only through negotiation and materials and supplies purchased from electric utilities provided the purchase price is less than the most recent contract price of the authority; amending section 5 of chapter 74-516, Laws of Florida, entitled “An act relating to the Jacksonville Electric Authority; amending chapter 67-1569, Laws of Florida, as amended; providing for notice of and public hearing on the fixing of rates by the authority; authorizing contracts not to exceed a twenty (20) year term for the procurement of fuel but requiring prior approval of the council of the city for certain contracts; amending the contracting and purchasing procedures of the authority to permit acceptance of multiple low bids and dissimilar low bids under certain conditions; exempting from bid provisions the procurement of fuel when reasonably procurable only through negotiation; exempting from bid provisions products and services necessary for nuclear powered generation facilities; exempting from bid provisions the procurement of fuel in the spot market; requiring approval of the purchases under bid exemptions by the chief purchasing officer of the City of Jacksonville; providing a termination for the amendments to the contracting and purchasing procedures of the authority; providing an effective”, by extending provisions as contained in chapter 74-516, Laws of Florida, due to expire October 1, 1975, to October 1, 1976; providing for additions to bidding exemptions; providing a termination for said additions to bidding exemptions; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senators J. Lane, McClain and Spicola—

SB 1359—A bill to be entitled An act relating to Hillsborough County; amending sections 3 and 5, chapter 72-565, Laws of Florida; providing for the election of the trustees of the Carrollwood Recreation District; increasing the residency requirement for electors of such district; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senators J. Lane, McClain and Spicola—

SB 1360—A bill to be entitled An act relating to the Hillsborough County Port District and the Tampa Port Authority; amending Section 3, Chapter 27600, Laws of Florida, 1951, as amended; removing the limitation on interest rates for revenue bonds sold by the port authority; providing for the sale of revenue bonds at a discount; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senators J. Lane, McClain and Spicola—

SB 1361—A bill to be entitled An act relating to the Hillsborough County Port District; amending s.10, chapter 23338, Laws of Florida, 1945; requiring the Board of County Commissioners of Hillsborough County to levy, assess and collect taxes within the port district to meet the financial requirements of the Tampa Port Authority upon request of the authority; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senators J. Lane, McClain and Spicola—

SB 1362—A bill to be entitled An act relating to Hillsborough County Aviation Authority; amending subsections A and B of section 8 of chapter 59-1356, Laws of Florida, as amended by chapter 72-561, Laws of Florida; authorizing and empowering the authority to construct, reconstruct, repair, do work and purchase supplies and materials for airport purposes without advertising and calling for bids when the amount to be paid therefor does not exceed \$5,000; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Deeb—

SB 1363—A bill to be entitled An act relating to Pinellas County; repealing chapters 73-595 and 74-579, Laws of Florida; providing for the issuance of countywide occupational licenses; providing for their sale by the county tax collector; establishing fees to be charged; providing for the distribution to the county and municipalities of proceeds received on a pro rata formula basis and for a year-to-year revision of the formula; providing for the invalidity of licenses when failing to properly register; providing for penalties and revocation of licenses if obtained by fraudulent or misleading information or engaging in fraudulent business practices; providing for delinquency penalties and half-year fees; establishing the Pinellas County Construction Licensing Board; providing definitions; providing for membership terms, powers, duties, jurisdiction and functions of the board; providing for fees; providing for examination committees, and the membership and duties of the committees; providing for the classification, registration, examination and certification of contractors; providing for the registration and certification of contracting partnerships, corporations or other legal entities; designating prohibited activities; providing for disciplinary action by the board; providing penalties, providing exemptions; adopting building codes and providing for amendments thereto; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Renick—

SB 1364—A bill to be entitled An act relating to Monroe County; authorizing the City of Key Colony Beach to pay as personal compensation the County Property Appraiser, formerly known as County Tax Assessor, of Monroe County, for services rendered in preparing the City of Key Colony Beach's 1972 and 1973 tax rolls upon said County Property Appraiser's waiving any other compensation due him for services rendered in preparing said tax rolls; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Poston—

SB 1365—A bill to be entitled An act relating to Monroe County; authorizing the City of Key West to pay as personal compensation the County Property Appraiser, formerly known as County Tax Assessor, of Monroe County, for services rendered in preparing the City of Key West's 1972 and 1973 tax rolls upon said County Property Appraiser's waiving any other

compensation due him for services rendered in preparing said tax rolls; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Glisson—

SB 1366—A bill to be entitled An act relating to the City of Wildwood, Sumter County; amending Section 1-10, Article I, Section 2-4, Article II, and Section 5-7, Article V, of Chapter 73-657, Laws of Florida; correcting an error in the boundaries of the city; changing the fiscal year; requiring candidates for city commission or mayor to qualify during a certain period; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senators Spicola, J. Lane and McClain—

SB 1367—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending s.2, chapter 15534, Laws of Florida, 1931; authorizing city council to employ full-time or part-time attorneys; deleting provisions relating to compensation of city attorney; authorizing city council to employ staff to assist it in budgetary matters, audits and legal matters; requiring city council to define by ordinance qualifications, pay and responsibilities of such staff; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senators J. Lane and McClain—

SB 1368—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending ss.3, 5-7, 8(1), (5), 9, 10, 14, 16, 17, 20, 22, 23, 25, chapter 73-643, Laws of Florida; providing generally for procedures and time frames for qualifying as a candidate for office; providing for procedures to be followed by the elections officer in conducting the election and certifying the results; insuring nonpartisanship in the election by prohibiting certain activity; providing for the filling of vacancies in elective city offices; repealing ss.11, 13, chapter 73-643, Laws of Florida, relating to verification deputies and nominating petitions; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senators Spicola, McClain and J. Lane—

SB 1369—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending section 2, chapter 24933, Laws of Florida, 1947, as amended by chapter 73-638, Laws of Florida; reducing the voting requirement for the adoption of ordinances and resolutions and for the conduct of other business by the city council in the event of vacancies on the city council; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Gallen—

SCR 1370—A concurrent resolution commending Anna Gayle for her community service, especially her service to senior citizens.

—was read the first time in full and referred to the Committee on Rules and Calendar.

By Senator J. Lane, McClain and Spicola—

SB 1371—A bill to be entitled An act relating to the City of Tampa; amending section 14 of the Revised Charter, 1927; providing for succession to the office of mayor and to the posi-

tion of chairman of the city council; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senators J. Lane, McClain and Spicola—

SB 1372—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; adding subsection (5) to section 5 of chapter 23559, Laws of Florida, 1945, as amended, relating to the pension or retirement fund for disabled or retired permanent employees; providing certain cost-of-living adjustments to employees who retired prior to January 1, 1975; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senators McClain, J. Lane and Spicola—

SB 1373—A bill to be entitled An act relating to Hillsborough County; amending section 16 of chapter 59-1363, Laws of Florida, as added by chapter 61-2262, Laws of Florida; being an act creating a city-county planning commission in Hillsborough County for the purpose of conducting a study and preparing recommendations for a master land use plan and other functions; providing that in the event the planning commission, in writing, requests an extension of 30 days to make its recommendation, and said request is denied, the zoning ordinance or resolution may only be passed by a two-thirds majority of the governing body; removing the provision that failure of the planning commission to make its recommendation within 30 days after receipt of a proposed change or modification be deemed to be an approval of the proposed amendment or change; providing that in the event of failure of the planning commission to make its recommendation within 30 days, or an extension of 30 days, the zoning ordinance or resolution may be passed by a simple majority of the governing body; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Zinkil—

SB 1374—A bill to be entitled An act relating to Broward County; authorizing the District School Board of Broward County to establish a trust fund for the superintendent of schools; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Zinkil—

SB 1375—A bill to be entitled An act relating to Broward County; authorizing the District School Board of Broward County to establish field trips outside of the State of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senators Saunders and MacKay—

SCR 1376—A concurrent resolution expressing regret at the passing of Nell Foster Rogers.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Poston—

SB 1377—A bill to be entitled An act relating to the Lower Florida Keys Hospital District, Monroe County; amending section 2 of chapter 67-1724, Laws of Florida, as amended, extend-

ing the terms of certain members of the board of commissioners of the district and providing for staggered terms; adding section 7A to chapter 73-555, Laws of Florida, providing for judicial review of decisions by the board of commissioners of the district to refuse, revoke, or suspend membership on the staff, or privileges attendant thereto; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Tobiassen—

SB 1378—A bill to be entitled An act relating to the Escambia County Civil Service Board; amending section 1, chapter 67-1370, Laws of Florida, as amended; providing for payment of certain expenses of members of the board; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Tobiassen—

SB 1379—A bill to be entitled An act relating to Escambia County; amending Section 3(d) of Chapter 24500, Laws of Florida, 1947; providing for the payment of an expense allowance to members of the Santa Rosa Island Authority; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senators Ware, Sayler and Deeb—

SB 1380—A bill to be entitled An act relating to Pinellas County; providing for charter government; providing for local government, name and county seat; providing for general powers and duties of county; providing for special powers; providing for exercise and limitation on powers; providing for conflicts between county and municipal ordinance; providing for seven (7) elected commissioners, one to be chairman; providing residency requirements, qualifications, compensation and vacancies in commission; providing for meetings; providing for additional powers of the legislative branch; providing for noninterference in administrative branch; providing for office of auditor; providing for duties of chairman; providing for county administrator, qualifications and duties; providing for county administrative code; providing for five (5) administrative departments headed by constitutional officers; providing for departments of zoning, legal affairs, finance and planning with appointative heads; providing for other administrative departments as established by county administrator; providing duties of initial administrative departments; providing for uniform personnel administration with personnel board; providing for charter amendments and charter review commission; providing for ordinance initiative; effect of charter provisions on existing ordinances and on special acts of legislature; providing prohibition on political activities; providing for retirement system and code of ethics; providing for severability; providing transition provisions; providing for referendum on charter and initial election of commissioners; providing for cooperation of former governments and continuation of offices, officers and employees with compensation; providing for continuation of proceedings and outstanding bonds; providing effective dates.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senators Spicola, McClain and J. Lane—

SB 1381—A bill to be entitled An act relating to Hillsborough County local government; expressing the intent; defining certain terms; requiring the county, municipalities, and other units of local government in the county to prepare and adopt comprehensive plans to guide future development and growth in the manner set out in this act; designating the Hillsborough County Planning Commission as the local land planning agency; requiring the local land planning agency to have the responsibil-

ity for preparation of comprehensive plans and to recommend such plans to governing bodies within Hillsborough County; establishing required and optional elements of a comprehensive plan; providing for surveys and studies; requiring public participation in the planning process; providing procedures and setting out the role of the governing body for adoption and amendment of adopted comprehensive plans; requiring evaluation and appraisal of comprehensive plans; establishing legal status of comprehensive plans; relating comprehensive plans to the exercise of land development regulatory authorities; allowing consideration of economic impact of developments and timing of development; providing for the status of adopted comprehensive plans in judicial proceedings; requiring cooperation by the Division of State Planning and regional plan-

ning agencies; providing conflict provision; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

The Journal of May 22 was corrected and approved.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:08 p.m. to convene at 2:00 p.m., May 27, 1975.

### LOBBYIST REGISTRATIONS UNDER SENATE RULE NINE MAY 16, 1975 THROUGH MAY 22, 1975

*Name & Address; Entity Represented & Address if different: Legislation Involved; Association with Legislator if any*

**Behrendt, Alfred F., Jr.** 801 NE 3 St. Dania 33004 Marine Industries Assoc. of Broward Co. Inc. 918 NE 20 Ave. Ft. Lauderdale 33304 Water related marine business

**Bell, John** 401 M. St. SW Washington D.C. U.S.E.P.A. Asked by state to assist in passage of NPDES (water pollution control) Loan

**Buddin, Thelma A.** 3071 NW 47 Terrace Condo and Coop Pkg. HB 1087

**Ervin, Robert M.** 305 S. Gadsden St. PO Box 1170 Tallahassee 32302 John H. Phipps Broadcasting Stations and the Phipps' Family PO Box 3048 Tallahassee 32303 Legislation affecting John H. Phipps broadcasting stations and the Phipps' family interest and their property

**Frank, Mrs. Pat** Hillsborough County Courthouse Tampa 33602 Member - Hillsborough County School Bd. Educational legislation

**Gilbert, Alfred C.** 6501 Grant Ct. Hollywood 33024 Professional Firefighters of Florida General

**Hall, Josef W.** 1983-A Drew St. Clearwater 33516 Solar Control Assoc. Inc. SB 239 HB 188

**Hentz, Christopher G.** 8635 Rawls Ave. Pensacola 32504 V.O.T.E. Committee General

**Mahan, Jim T. D.** 2261 SW 38 Ave. Ft. Lauderdale 33312 Professional Firefighters of Fla. General

**Mohl, Arthur** 656 South Owl Dr. Sarasota 33577 Florida Apartment Association 501 Park Ave. North Winter Park 32787 All landlord-tenant & ad valorem tax legislation

**Nelson, Col. G. M.** 1356 Harbor Dr. Sarasota 33579 Myself HM 922

**Onett, George L.** 11601 Biscayne Blvd. Miami Foreign Vintages Alcoholic bev.

**Palmer, Richard D.** 908 Seagle Bldg. Gainesville 32601 Univ. of Fla. Div. of Continuing Education Education

**Peck, Wayne E.** 1618 Peruvian Ln. Winter Park 32789 Self HB 188-190 SB 239

**Perrin, Ellie** 1778 N. Bayshore Dr. #404 Miami 33132 Young Democratic Club of Dade County PO Box 010469 Miami 33101 Election reform Criminal justice Governmental operations

*Name & Address; Entity Represented & Address if different: Legislation Involved; Association with Legislator if any*

**Platt, Jan** City Hall Kennedy Blvd. Tampa 33602 Self 4606 Beach Park Dr. Tampa 33609 Local legislation & Municipal financing & General legislation

**Rhinehart, R. S.** PO Box 1519 Winter Haven 33880 Bert Rogers Schools of Real Estate Lakeland Real estate schools

**Rodgers, Marion** 2629 Prospect Road Tampa 33609 Hillsborough County School Board Hillsborough County Courthouse Tampa Education

**Rosen, Judith** 7727 SW 86th St. Miami 33143 Young Democratic Club of Dade County PO Box 010469 Miami 33101 Governmental Operations Consumer affairs H.E.W.

**Sellers, Lisa** PO Box 14352 University Station Gainesville Myself Student bills

**Shachat, Gary** 1051 NE 175 St. N. Miami Beach 33162 Committee For Quality Education Lobbying for CQE proposals on more funding also Environmental Action Group Reitz Union 3rd Floor Univ. of Fla. Gainesville Lobbying for EAG proposals

**Siegel, Betty L.** 239 Tigert Hall U. of Fla. Gainesville 32601 Division of Continuing Education Education

**Siegel, Mimi** 1701 NE 115 St. Miami 33181 East Coast District Dental Hygienist Society Placing a dental hygienist on the state board & Continuing education

**Smiles, Leon** 2097 SW 13 Terr. Boynton Beach 33435 Palm Beach County Democratic Executive Committee 213 N. Dixie Highway Lake Worth 33460 Elections and Politics

**Smith, C. McFerrin, III** Holland Bldg. #346 Tallahassee 32304 Fla. Law Revision Council

**Smith, Lucian, Jr.** 1738 S. Orange Ave. Orlando 32806 Solar Specialties Inc. HB 188-190 SB 239

**Soderlund, James E.** 201 NW 38 Ct. Pompano Beach 33064 Professional Firefighters of Fla. Firefighters

**Vickers, Cass D.** 131 N. Gadsden St. Tallahassee 32301 Lehigh Acres Development Inc. 201 E. Joel Blvd. Lehigh Acres 33936 Environmental

**Wallis, Thomas H., Jr.** 1332 Palmetto Ave. Winter Park 32789 Wallis Baker & Associates, P.A. Landscape Architects—Site Planners Legislation concerning registered landscape architects

**Wilson, Jack A.** 2732 SW 1st St. Ft. Lauderdale 33312 Professional Firefighters of Fla. General