

JOURNAL OF THE FLORIDA SENATE

Thursday, May 29, 1975

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

Excused: Senators W. D. Childers, Gordon, Lewis, Plante, Spicola, Saunders and J. Thomas periodically for the purpose of working on the conference committee report on HB 2100.

Prayer by the Senate Chaplain:

We acknowledge our God your message that knowledge of the truth sets us free. But grant that we shall always recognize that knowledge of the truth is not ours exclusively by reason, but also by the heart.

Grant us never to lose the heart-beat of our own humanity so that we may understand others. So then shall we work, labor and legislate doing for and unto others as for ourselves.

May our governing never be impersonal lest computerized precision blur our vision so that we behold men only as trees walking.

Help us fulfill your divine purpose. Amen.

REPORTS OF COMMITTEES

The Committee on Judiciary-Civil recommends the following pass: SB 916 CS for HB 76 with 1 amendment

The bills were referred to the Committee on Commerce under the original reference.

The Committee on Judiciary-Civil recommends the following pass: HB 961 with 5 amendments

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

The Committee on Judiciary-Civil recommends the following pass: SB 354 with 1 amendment, SB 1237

The bills were referred to the Committee on Ways and Means under the original reference.

The Committee on Ways and Means recommends the following pass:

SB 554	SB 226	SB 1059 with 4
SB 1055	SB 179	amendments

The Committee on Judiciary-Civil recommends the following pass:

SB 735 with 3 amendments	HB 152 with 2 amendments
SB 811	CS for HB 249 with 9 amendments
SB 828 with 3 amendments	SB 170 with 1 amendment
SB 840	
SB 867	

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

The Committee on Commerce recommends a Committee Substitute for the following: SB 1235

The bill with Committee Substitute attached was referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Judiciary-Civil recommends a Committee Substitute for the following: SB 1161

The Committee on Judiciary-Civil recommends a Committee Substitute as recommended by the Committee on Commerce for the following: SB 682

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

The Committee on Judiciary-Civil recommends the following not pass: HB 220

The bill was laid on the table.

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Thursday, May 29, 1975:

CS for CS for HB 301 & 509	HB 193
HB 1603	SB 1316
HB 1577	SB 1317
SB 1207	SB 1318
SB 520	SB 173
CS for HB 22, 62 & 116	SB 784
SB 582	SB 551
HB 85	SB 1050
CS for HB 173	HB 1224
SB 440	SB 61
HB 240	HB 588
HB 1908	SB 1109
SB 558	SB 124
SB 1005	SB 291
SB 696	HB 1289
SB 1131	SB 361
CS for HB 545	SB 325
HB 1322	SB 1320
HB 541	HB 158
HB 163	HB 425
HB 747	SB 590
SB 259	HB 969
SB 430	SB 418
SB 488	SB 524
CS for HB 222	SB 47
HB 104	SB 571
HB 114	SB 968
HB 117	SB 1293
SB 357	SB 563

*Respectfully submitted,
Lew Brantley, Chairman*

The Committee on Rules and Calendar recommends that the following bills be placed on Local Bill Calendar for Thursday, May 29, 1975, at 1:00 p.m.

HB 2123	HB 1420	HB 1999	HB 2027
HB 2122	HB 2116	HB 2097	HB 2199
HB 2118	HB 2000	HB 2096	SB 1342
HB 2121	HB 2069	HB 2098	HB 1437
HB 2120	SB 228	HB 2111	SB 404
HB 2119	SB 1366	HB 2095	HB 1551
SB 1378	HB 2132	HB 2155	HB 2025
SB 1379	SB 109	HB 2156	HB 2026
HB 2112	SB 832	HB 2157	HB 1896
HB 2032	HB 1421	HB 2158	SB 804
HB 2012	HB 2011	HB 2023	SB 1358
HB 2001	SB 1362	HB 2067	SB 1380
HB 1801	HB 2153	HB 2066	
HB 1802	HB 1710	HB 2077	
SB 1377	HB 1143	HB 2030	
HB 1800	HB 1188	HB 2029	
SB 653	HB 1189	HB 2028	

*Respectfully submitted,
Lew Brantley, Chairman*

On motion by Senator Saunders, Rule 2.6 was waived and the Committee on Ways and Means was authorized to meet upon noon recess this day for the purpose of considering bills not heard at the meeting on May 27 and SB 1134.

On motion by Senator Wilson, the rules were waived and the Senate immediately reconsidered the vote by which SB 1349 passed May 28.

Consideration of SB 1349 was deferred.

On motion by Senator Wilson, by two-thirds vote HB 1176 was withdrawn from the Committee on Rules and Calendar and placed on the calendar.

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

HB 1176—A bill to be entitled An act relating to Brevard County; authorizing, empowering, and permitting the District School Board to provide for any or all kinds of health, accident, hospitalization, and annuity insurance on a group plan for its retired personnel and their dependents and of life insurance on a group plan for its retired personnel; empowering the board to provide by policy for those persons to be included, the effective dates of implementation, coverages to be provided, required contributions, if any, towards the cost thereof; authorizing the payment of the premiums out of any available local funds and providing that any expenditures so made are for a valid school purpose; providing that participation in such group insurance shall be entirely voluntary at all times; providing an effective date.

—which was read the second time by title. On motion by Senator Wilson, by two-thirds vote HB 1176 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

On motion by Senator P. Thomas, the following remarks of Senators Wilson, MacKay and the President were ordered spread upon the Journal:

The President: The Senator from the 16th is recognized.

Senator Wilson: I would like to share some thoughts with the Senate if the President will indulge me a moment and I guess you would classify it as welfare of the Senate, the welfare certainly of the Governmental Operations Committee. And, Mr. President, I would like to have the remarks, or the essence of them, spread upon the journal.

All of you I know have been reading the newspapers and I want to make sure that it is on record, on behalf of Senator Myers as chairman and all of the members of this Senate that serve on Governmental Operations, that the record is clear on what happened in that committee on the bill on financial disclosure. Last evening, I took all the newspapers home and every one I picked up had headlines saying the Senate is not acting in the interest of the people and the Governor has said that we are obstructing financial disclosure.

If you serve on the Governmental Operations Committee you know, and those who do not serve on it should know, that we had the Ethics Commission package. We were not an unfriendly committee. I met, along with the chairman, Senator Myers, with the Ethics Commission staff. We said that we would agenda all of their bills and we would give them full

hearings. We did do that. We attempted to do that. We moved two of the bills out, and on the testimony of the chairman of the Ethics Commission, Sandy D'Alemberte, who appeared before us, we did not move the financial disclosure bill. I argued with Senator Myers about it. I said, "I think that is wrong because I think we will end up being the scapegoat."

Now as I read the newspapers, the Senate and the Governmental Operations Committee look like the bad guys and I just want this Senate to know, and I would like it in the record, that the only reason the committee did not move the financial disclosure bill out was because the Ethics Commission itself requested that we not move it out.

I think it is unfair for all this misinformation to be directed full blast at the Senate and more specifically at the committee of reference, which was Governmental Operations.

We endeavored to give this a full and fair hearing. It is unfair that we be left as the fall guy.

It almost looks like a set-up. So I would just like the Senate Journal to show that the reason the Governmental Operations Committee did not move that bill out was because the Ethics Commission of the State of Florida requested us not to move it out.

The President: The Senator from the 6th is recognized.

Senator MacKay: Mr. President, members of the Senate, I am the floor manager of that bill and Senator Wilson is correct.

It is regrettable that this has happened. That committee treated all of this legislation in a very constructive manner. It was the request of the sponsors that this not be heard because at that time we felt that the issue was not going to be heard this year. So I regret that it has been handled this way and I support her remarks completely.

The President: Thank you, Senator. I would also like to set the record straight on that point since it has become so highly discussed in the press. Yesterday the Ethics Commission's executive director, Mr. Gonzalez, came to my office with a press release from Ethics Commission Chairman Sandy D'Alemberte commending the President of the Senate publicly for his support on the conflict of interest laws that we were discussing and asked if it would be all right if they released it. I told them they could release anything they wanted to because I have discussed with no one, and certainly not Senator Myers nor anyone on that committee, the ethics package.

On motion by Senator Gordon, by two-thirds vote SCR 739 was withdrawn from the Committee on Rules and Calendar and placed on the calendar.

SCR 739—A concurrent resolution in memoriam Frederick Mitchell Hudson, Twenty-Fifth President of The Florida Senate.

—was read the second time in full. On motion by Senator Gordon, SCR 739 was adopted and certified to the House. The vote on adoption was:

Yeas—33

Mr. President	Graham	Myers	Thomas, P.
Brantley	Hair	Peterson	Tobiasen
Childers, D.	Henderson	Plante	Trask
Childers, W. D.	Holloway	Poston	Vogt
Deeb	Johnston	Renick	Ware
Dunn	Lane, J.	Sayler	Wilson
Firestone	Lewis	Sims	
Gallen	MacKay	Spicola	
Gordon	McClain	Thomas, J.	

Nays—None

By unanimous consent Senator Glisson was recorded as voting yea.

The President introduced relatives representing Senator Hudson's daughter, Mrs. Raleigh Van Brunt: niece, Mrs. Carol Davis [widow of Hon. Robt. W. Davis, Senate Secretary, 1929-1963] and son, Robt. W. Davis, III; nephew, J. Bernard Van Brunt and wife, Bunny.

By Senator Gordon—

Senate Concurrent Resolution No. 739

A CONCURRENT RESOLUTION IN MEMORIAM FREDERICK MITCHELL HUDSON, TWENTY-FIFTH PRESIDENT OF THE FLORIDA SENATE

WHEREAS, the long life span of Frederick Mitchell Hudson leaves for contemplation a career marked by earnest attention to duty, exceptional talent and perseverance, a successful law practice, years of leadership in the Florida Legislature, philanthropic endeavors, and a great contribution to the development of the State of Florida, more particularly the development of its largest city, the beautiful metropolis of Miami, and

WHEREAS, we would recount something of the achievements of this fabulous man as an inspiration to posterity, and pay homage to his inimitable qualities, NOW, THEREFORE,

BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA, THE HOUSE OF REPRESENTATIVES CONCURRING:

That this resolution be spread upon the Journals of the respective Bodies of this Legislature

IN MEMORIAM FREDERICK MITCHELL HUDSON TWENTY-FIFTH PRESIDENT OF THE FLORIDA SENATE

—who was born at Locust Cottage, Jefferson County, Arkansas, on February 2, 1871, the son of James Asbury and Mary Rhoda (Warren) Hudson. His mother, a New Yorker, and his father, a native Georgian, tracing their ancestry through Colonial and Revolutionary times, migrated to Arkansas, where the former, a capitalist and farmer, served as a member of the Arkansas Legislature in 1860 and 1879.

Frederick Mitchell Hudson received his early education in the common schools near the farm which was his early home, attended Hendrix College, now located at Conway, Arkansas, from 1885 to 1887, subsequently entering Washington and Lee University, at Lexington, Virginia, where he took the degree of Bachelor of Arts in 1890 and the degree of Bachelor of Laws in 1892. During his college career he won a scholarship in Latin and the new Shakespeare Society prize, was president of the Young Men's Christian Association, business manager of the "Southern Collegian" and in 1891 was a Commencement orator. Upon completion of his scholastic training, he returned to Arkansas and entered the practice of law at Pine Bluff. In 1900 he moved to Florida, in the interests of his health, and devoted the next five years to horticulture. Already familiar with Florida, where his parents had maintained a winter home on the Indian River since 1890, he decided to become a permanent resident. In 1905 he began the practice of law at Miami becoming the senior member of the well-known firm of Hudson and Cason. His practice ranged through all state courts, the various federal courts and the United States Supreme Court. On numerous occasions he appeared at the bar to represent the public interest, from 1911 to 1914, was counsel for the Florida Railroad Commission, and during the war years served as city attorney of Miami.

On October 27, 1896, at Pine Bluff, Arkansas, he married Miss Nora Bell Andrews, an accomplished musician and composer. They became the parents of three children: Martha (Mrs. Raleigh W. Van Brunt) and James Andrews, both of Miami; and Mary Warren (Mrs. Lewis G. Leary, Jr.) of Chapel Hill, North Carolina. Mrs. Hudson, who predeceased him, lent her beautiful musical talents to the church of their faith, Trinity Methodist Church in Miami.

On Tuesday, April 6, 1909, Senator Donald C. McMullen, of the then 11th District, Hillsborough County, placed in nomination the name of F. M. Hudson, District 13, Dade County, to be President of the Senate. The election was by acclamation and he served from 1909 to 1911. His total Senate service was from his election in 1904 until the year 1917. His qualifications for leadership made him one of the most influential members of the Senate, and the value of his contributions to the efficient and enlightened conduct of the state's business was widely recognized. One of the first things 34-year-old Senator Hudson did when he arrived in Tallahassee as a freshman senator was to push for bills creating more counties, especially in the lower half of the state, then a pioneer area. Under his leadership St. Lucie County came into being in 1905, the first county to be created since the Florida Constitutional Convention of 1885. In 1909 he introduced a bill which gave birth to Palm Beach County, and in 1915 persuaded the Legislature to create Broward County. He is given credit for introducing Florida's first child labor law and the first juvenile court bill, and he enjoyed the distinction of being the only Senator from Dade County to serve as President of the Florida Senate.

The 1915 Legislative Blue Book of Florida gave him the following commendation:

"He never deals in personalities or resorts to unfair methods to advance the principles for which he stands—always standing for what he conceives to be right, whether this is with the majority or with the minority—He always stood for the moral side of every question, believing in the uplift and betterment of his fellowman."

Among some of the benefits secured to Dade County through his legal activities were the donation by the Matheson family of Crandon Park; the county's acquisition of Vizcaya from the Deering interests, and the development of the International Airport on a self-liquidating basis. In 1934 he was appointed by the United States District Court to act as Master in the case of Florida Power and Light Company v. the City of Miami, which case involved millions of dollars. As Master he was empowered to make findings of law and fact. His report, regarded as a landmark decision, was confirmed by the District Court, the Court of Appeals and the Supreme Court of the United States.

He served for fifty years as a director of the Florida Childrens Society, was a member of the Florida Historical Society, the Historical Society of Southern Florida (Past President), the Arkansas Historical Society, and the Virginia Historical Society. He belonged to the Miami Pioneers, the Ancient and Honorable Artillery Company of Massachusetts, the oldest military organization in the country, to which he was eligible by virtue of descent from Brian Pendleton, who was a member in 1646. Among his professional memberships were the Dade County, the Florida and the American Bar Associations, the American Judicature Society and the American Law Institute.

On April 6, 1933, at a special night session of the Florida Senate, convened for the purpose of unveiling portraits of past presidents of the Body, Justice Armstead Brown of the Florida Supreme Court paid the following tribute:

"Having practiced law for some years at the same bar with Senator Hudson, and having long since come to know him intimately, I appreciate the privilege of being allowed to pay this imperfect tribute to his sterling worth. Still strong, sturdy and courageous, in the prime of life, broadminded, with a heart which beats in sympathy with all mankind, and standing in the forefront of the Florida bar, he also stands out as a great, patriotic private citizen, devoted to the best interests of our glorious State of Florida and its brave, splendid and undaunted people."

In May 1965, the Miami Herald pointed out that: "probably the oldest regularly employed person in the Miami area is F. M. Hudson." At age ninety-five, he was going to his law office daily and to quote him: "I work when I get there." He was saluted by The Florida Political Survey in October 1964 with: "Men like F. M. have inspired others to come to Florida and live longer."

His long and fruitful life, which came to an end on August 5, 1974, afforded an inspiration by reason of his industrious and salutary habits, earnest attention to duty, many and varied business and fraternal pursuits, his great contribution to Miami's development and to the welfare of the state and his full measure of service to his fellowman.

BE IT FURTHER RESOLVED that a copy of this resolution, duly attested be forwarded to his surviving family together with the condolence of these Legislative Bodies.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Trask, by two-thirds vote SB 807 was withdrawn from the Committee on Governmental Operations and placed on the calendar.

On motion by Senator Myers, by two-thirds vote HB 2284 was withdrawn from the Committee on Governmental Operations and placed on the calendar.

On motion by Senator Peterson, by two-thirds vote HB 1222 was withdrawn from the Committees on Agriculture and Judiciary-Civil and placed on the calendar.

On motions by Senator Peterson, by two-thirds vote House Bills 2211 and 1243 were withdrawn from the Committee on Agriculture and placed on the calendar.

REQUESTS FOR EXTENSION OF TIME

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

CS/HB's 188 and 190 by Transportation Committee and Representatives Melvin & Hagan	SB 1138 by Transportation Committee	SB 1182 by Senator Holloway
SB 688 by Senator Trask	SB 478 by Senator Wilson	SB 575 by Senator Lewis
SB 834 by Senator J. Thomas	SB 220 by Senator Gallen	SB 253 by Senator Peterson
SB 906 by Senator Poston	SB 261 by Transportation Committee	SB 360 by Senator Zinkil
SB 907 by Senator Poston		
SB 934 by Senator Poston		
SB 990 by Senator Poston		

The Committee on Agriculture requests an extension of 15 days for consideration of the following:

SB 1319 by Senator Graham

On motion by Senator D. Lane, unanimous consent was obtained to introduce out of order—

By Senator D. Lane—

SR 1383—A resolution In Memoriam Richard Waddell Smith.

—which was read the first time by title. On motion by Senator D. Lane, SR 1383 was read the second time in full and adopted.

MESSAGES FROM THE GOVERNOR

The Governor advised that he had filed in the office of the Secretary of State Senate Bills 31, 64, 183, 250, 339, 350 and 363, which he had approved May 28.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President May 28, 1975

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendments 2 and 3 to:

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 again requests the Senate to concur.

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 a period.

On motions by Senator W. D. Childers, the Senate concurred in the House amendments to CS for SB 174.

CS for SB 174 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—20

Mr. President	Gallen	Peterson	Thomas, J.
Brantley	Glisson	Plante	Thomas, P.
Childers, W. D.	Holloway	Poston	Tobiassen
Dunn	Lane, J.	Renick	Trask
Firestone	McClain	Sims	Zinkil

Nays—15

Childers, D.	Henderson	Myers	Ware
Deeb	Johnston	Saylor	Wilson
Gordon	Lane, D.	Spicola	Winn
Graham	Lewis	Vogt	

By unanimous consent Senator Dunn changed his vote from yeas to nays.

The Honorable Dempsey J. Barron, President May 27, 1975

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

By the Committee on Governmental Operations and Senators Firestone and Hair—

SB 148—A bill to be entitled An act relating to the Florida Public Service Commission; amending s.110.051(2)(m), Florida Statutes, to exempt official reporters from the state career service system; amending s.350.06, Florida Statutes, providing for location of offices; providing for employment of personnel; providing for official and supplementary reporters, their salaries and duties; providing for sale of transcripts and disposition of funds; amending s.350.77(1), (3), Florida Statutes, authorizing fees for furnishing transcripts of testimony taken by the commission's official reporters; providing copies of materials to the public counsel at no charge; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 1, line 29, strike "aide" and insert the following: *assistant aide*

House Amendment 2—On page 1, line 29, insert the following: after "director" and *deputy executive director*

House Amendment 3—On page 2, line 21, insert the following: after "each" not to exceed \$28,000 annually

House Amendment 4—On page 3, line 12, insert the following: after the word "commission." *The commission may make copies of the transcripts for internal use without further compensation. When supplementary reporters are unable to provide copies within a reasonable time, the commission may, upon request, sell copies at its usual rate and shall deposit the proceeds in the Public Service Regulatory Trust Fund.*

House Amendment 5—On page 3, between lines 12 and 13, insert the following: *(3) The commission shall make available to the public counsel the original copy of all transcripts for use and study in the commission offices. If the commission makes any copies of transcripts for internal use, and if the public counsel has so requested in writing to the clerk of the commission at the time of his intervention, the commission shall supply the public counsel with a copy of the transcript at no charge. In all other cases, the public counsel may obtain a copy of the transcript from the commission for the cost of reproduction.*

House Amendment 6—On page 3, line 13, strike all of Section 3 and insert the following: *(4) The commission shall collect for copying, examining, comparing, correcting, verifying, certifying or furnishing orders, records, transcripts of testimony, papers or other instruments, the same fees that are*

allowed clerks of the circuit courts of Florida. In cases where the fee would amount to less than \$1 no fee shall be charged.

(5) Copies of commission orders furnished to public officials, newspapers, periodical publications, federal agencies, state officials of other states, and parties to the proceeding in which the order was entered and their attorneys shall be without charge, provided that the commission may in its discretion charge fees for the furnishing of more than one copy of any order to any of the foregoing.

(6) The commission shall keep a book in which all fees collected by it as provided for herein shall be recorded, together with the amount and purpose for which collected. This book shall be a public record. The commission shall prepare a statement of these fees in duplicate each month and remit one copy of the statement, together with all fees collected by it to the state treasurer. All moneys collected pursuant to this section by the commission shall be deposited in the state treasury to the credit of the Florida Public Service Regulatory Trust Fund created by the provisions of s.350.78, Florida Statutes.

House Amendment 7—On page 3, line 13, insert the following: Section 3. Sections 323.23 and 350.77, Florida Statutes, are repealed.

House Amendment 8—On page 3, lines 3 and 4, strike “a cost to be determined by the commission” and insert the following: the cost of reproduction and mailing

House Amendment 9—On page 4, line 10, strike “July 1, 1975” and insert the following: January 1, 1976

House Amendment 10—On page 1, line 6 in title, strike “official reporters” and insert the following: certain commission employees

House Amendment 11—On page 1, lines 13-18 in title, strike all after funds; and insert the following: providing transcripts be made available to the public counsel; providing fees for copies of records of hearings before the commission or examiner; repealing s.323.23, Florida Statutes, concerning records of hearings before the commission or examiner; repealing s.350.77, Florida Statutes, concerning fees for copies and disposition of records; providing an effective date.

On motions by Senator Myers, the Senate concurred in the House amendments to SB 148.

SB 148 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—36

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

Nays—None

RECONSIDERATION

The motion by Senator Sayler on May 28 that the Senate reconsider the vote by which SB 398 passed on May 28, was taken up and adopted; and the Senate reconsidered the vote.

Consideration of SB 398 was deferred.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President May 28, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 855 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives James and Kutun—

HB 855—A bill to be entitled An act relating to notaries public; amending subsections (2), (3), (4) and (5) of s.117.01, Florida Statutes, providing for a change in the fee, application for appointment, boundaries, procedure for approval of bonds and amount of bonds; prohibiting a notary from notarizing his own signature; amending subsection (2) of s.117.02, Florida Statutes, to provide that a married woman renewing her commission must apply using her legal name; amending subsection (2) of s.117.07, Florida Statutes, providing specifications for notary seal; providing an effective date.

—was read the first time by title. On motion by Senator Sayler, the rules were waived and the bill was placed on the calendar.

On motion by Senator Sayler, HB 855 a companion measure was substituted for SB 398. On motions by Senator Sayler, by two-thirds vote HB 855 was read the second time by title.

Senator Sayler moved the following amendment which was adopted:

Amendment 1—On page 1, line 20, between “subsections” and “(2)” insert: “(1),”

Senators Sayler and Dunn offered the following amendments which were moved by Senator Sayler and adopted:

Amendment 2—On page 1, between lines 23 and 24 insert:

(1) The governor may appoint as many notaries public as to him shall deem necessary, each of whom shall be at least twenty-one years of age, a citizen of the United States, and a permanent resident of the state ~~for one year~~.

Amendment 3—On page 2, strike line 7 and insert: Are you a permanent resident of the State of Florida?.....

Senator Sayler moved the following title amendment which was adopted:

Amendment 4—On page 1, line 5, between “subsection” and “(2)” insert “(1),” and on line 10, between “signature;” and “amending” insert “repealing residency requirement;”

On motion by Senator Sayler, by two-thirds vote HB 855 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Senate Bill 398 was laid on the table.

By unanimous consent Senator Tobiassen was recorded as voting yea.

On motion by Senator P. Thomas, the rules were waived and HB 855 was ordered immediately certified to the House.

The Honorable Dempsey J. Barron, President May 28, 1975

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment and passed HB 1355, as amended.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President May 28, 1975

I am directed to inform the Senate that the House of Representatives has adopted HM 2328 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Growth & Energy and Representative Avon—

HM 2328—A memorial to the Federal Power Commission to request dismissal of proceedings which may result in the reduction in transportation of natural gas to certain Florida utilities.

—was read the first time in full. On motion by Senator Plante, by two-thirds vote HM 2328 was read the second time by title, adopted and certified to the House. The vote was:

Yeas—32

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

Nays—None

By unanimous consent Senator P. Thomas was recorded as voting yea.

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

HM 1328—A memorial to the Congress of the United States, urging Congress to review and support the program known as "The Total Concept", a comprehensive plan combining solutions to critical environmental, energy, resource recovery, and economic problems, to be implemented in Florida as a "pilot" state and then in the nation as a whole.

On motion by Senator Brantley, HM 1328 was read the second time in full, adopted and certified to the House. The vote was:

Yeas—29

Mr. President	Hair	Peterson	Tobiassen
Brantley	Henderson	Plante	Trask
Childers, D.	Holloway	Poston	Vogt
Childers, W. D.	Johnston	Renick	Wilson
Dunn	Lane, D.	Sims	Winn
Firestone	Lane, J.	Spicola	
Gallen	Lewis	Stolzenburg	
Glisson	McClain	Thomas, J.	

Nays—None

By unanimous consent Senators P. Thomas and Myers were recorded as voting yea.

SPECIAL ORDER

CS for CS for HB's 301 and 509—A bill to be entitled An act relating to usury; amending ss. 687.02, 687.03, Florida Statutes, 1974 Supplement, 687.031, 687.071(7), Florida Statutes, and 687.11(4), Florida Statutes, 1974 Supplement, relating to usurious interest rates; providing that no contract, other than a mortgage on residential real property, to pay interest on any loan, advance of money, forbearance to collect debt, or any contract whatever which equals or exceeds \$250,000 in amount or value is usurious; exempting FHA and VA loans from the provisions of chapter 687, Florida Statutes, relating to interest and usury; deleting \$500,000 in s.687.03, Florida Statutes, and substituting \$250,000 for the purpose of explaining when a loan shall be deemed to equal or exceed \$250,000; defining mortgages on residential real property; providing that ss.687.02 and 687.03, Florida Statutes, 1974 Supplement, shall not be construed to repeal, modify or limit s.687.071, Florida Statutes;

providing that nothing in chapter 687, Florida Statutes, shall override public law 93-501; providing that certain language in subsections (2) and (3) of s.687.071, Florida Statutes, shall not be construed to refer to s.687.11, Florida Statutes, when the civil penalty for violation of s.687.071, Florida Statutes, is being applied; relating to individuals secondarily liable on corporate obligations and the collection of interest; creating s.687.12, Florida Statutes, providing for prospective application only; providing an effective date.

—was taken up.

Senator D. Childers moved the following amendments which failed:

Amendment 3—On page 2, line 1, strike "25" and insert: 15

Amendment 4—On page 1, line 9, strike "25" and insert: 18

Amendment 5—On page 4, lines 6 and 8, strike "\$250,000 \$500,000" and insert: \$500,000

Senator Peterson presiding

Senator Plante moved the following amendment:

Amendment 6—On page 7, line 14, insert new section and re-number subsequent section:

Section 8. Loans insured by the Federal Housing Administration (FHA) and loans guaranteed by the Veteran's Administration (VA) are exempt from all provisions of chapter 687, Florida Statutes except for the provisions of s.687.071.

The amendment was adopted by the following vote:

Yeas—21

Brantley	Henderson	Renick	Tobiassen
Childers, W. D.	Johnston	Saylor	Trask
Firestone	Lane, J.	Scarborough	Ware
Gallen	McClain	Sims	
Glisson	Peterson	Thomas, J.	
Hair	Plante	Thomas, P.	

Nays—10

Childers, D.	Lane, D.	Stolzenburg	Zinkil
Gordon	Myers	Wilson	
Graham	Spicola	Winn	

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

Senator Plante moved the following title amendment which was adopted:

Amendment 7—On page 1, line 11, after the semicolon insert: exempting FHA and VA loans from the provisions of chapter 687, Florida Statutes, except for the provisions of s.687.071, relating to interest and usury.

Senator Wilson moved the following amendment which failed:

Amendment 8—On page 1, lines 8 and 9, strike "10 percent" and insert: "8½ percent"

Senator Spicola presiding

On motion by Senator J. Thomas, by two-thirds vote CS for CS for HB's 301 and 509 as further amended was read the third time by title.

Senator Zinkil moved that the rules be waived and debate be limited to five minutes per side and the motion failed.

CS for CS for HB's 301 and 509 as further amended passed and was certified to the House. The vote was:

Yeas—24

Brantley	Johnston	Myers	Sims
Deeb	Lane, D.	Plante	Spicola
Dunn	Lane, J.	Poston	Thomas, J.
Gallen	Lewis	Renick	Trask
Glisson	MacKay	Sayler	Ware
Hair	McClain	Scarborough	Zinkil

Nays—9

Childers, D.	Graham	Vogt	Winn
Firestone	Henderson	Wilson	
Gordon	Stolzenburg		

By unanimous consent Senators P. Thomas, Tobiassen and W. D. Childers were recorded as voting nay; Senators Peterson and Holloway as voting yea and Senator Renick changed his vote from yea to nay.

HB 1603—A bill to be entitled An act relating to quarter horse racing; amending s.550.33(7), Florida Statutes, 1974 Supplement, relating to the substitution of races of other breeds of horses; removing a restriction relating to the number of daily races permitted comprised of thoroughbred horses registered with the Jockey Club; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 1603 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

By unanimous consent Senators P. Thomas, Glisson and Holloway were recorded as voting yea.

HB 1577—A bill to be entitled An act relating to saltwater fisheries and conservation; amending s.370.07(3), Florida Statutes, allowing wholesale seafood dealers the option of printing certain required information on their invoices, bills of lading, and other similar instruments, in lieu of obtaining a stamp from the Department of Natural Resources; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 1577 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Brantley	Graham	McClain	Tobiassen
Childers, D.	Hair	Myers	Trask
Childers, W. D.	Henderson	Peterson	Vogt
Deeb	Johnston	Poston	Ware
Dunn	Lane, D.	Renick	Wilson
Firestone	Lane, J.	Sims	Winn
Gallen	Lewis	Spicola	Zinkil
Gordon	MacKay	Thomas, J.	

Nays—None

By unanimous consent Senators P. Thomas, Glisson, Holloway and Sayler were recorded as voting yea.

SB 1207—A bill to be entitled An act relating to salt water fisheries and conservation; amending s.370.021(5), Florida Statutes; providing that the Department of Natural Resources may designate employees of its divisions as law enforcement officers with power to investigate and arrest for any violation of the

laws of this state; designating the executive director of the department and the director of the Division of Marine Resources as law enforcement officers; providing authority to search without a warrant buildings and vehicles engaged in storage of fish or fishery products; providing authority to seize contraband; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was moved by Senator Dunn:

Amendment 1—On page 1, line 28, after the word "shall" insert: *meet the provisions of ss.23.068 and 23.067(1) and*

Senator Dunn moved the following substitute amendment which was adopted:

Amendment 2—On page 1, line 28, after the word "shall" insert:

meet the provisions of ss.943.13 and 943.12(1) and

On motion by Senator Dunn, by two-thirds vote SB 1207 as amended was read the third time by title, passed and ordered engrossed. The vote on passage was:

Yeas—34

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

Nays—None

By unanimous consent Senators Holloway, Glisson and P. Thomas were recorded as voting yea.

On motion by Senator Dunn, the rules were waived and SB 1207 was ordered immediately certified to the House after engrossing.

On motion by Senator Brantley, the rules were waived and all bills passed this day were ordered immediately certified to the House.

On motion by Senator Gallen, by two-thirds vote HB 1395 was withdrawn from the Committee on Commerce and placed on the calendar.

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

HB 1395—A bill to be entitled An act relating to corporations; providing a new general corporation law in its entirety; repealing chapter 608, Florida Statutes, as amended, relating to corporations generally and close corporations; repealing chapter 613, Florida Statutes, relating to foreign corporations; providing an effective date.

—which was read the second time by title.

Senators McClain and Gallen offered the following amendments which were moved by Senator Gallen and adopted:

Amendment 1—On page 2, line 1, insert after "shareholder": or stockholder

Amendment 2—On page 35, line 6, insert: (6) This section does not apply to corporations having less than 6 shareholders.

Amendment 3—On page 62, line 9, strike "Not" and insert: Unless modified by resolution of the stockholders, not

Amendment 4—On page 69, line 28, insert: (4) Without an act of the directors the shareholders may amend the articles of incorporation at a meeting for which notice of the changes to be made is given.

Amendment 5—On page 74, line 9, insert: (4) Amendments may be made simultaneously with restating the articles of incorporation if the requirements of section 63 are complied with.

Amendment 6—On page 97, line 2, strike “a petition” and insert: an action

Amendment 7—On page 97, line 14, strike “petition” and insert: initial pleading

Amendment 8—On page 102, lines 23-26, strike everything after the word “may” on line 23, all of lines 24 and 25 and “the corporation is situated,” on line 26 and insert: apply to a circuit court

Amendment 9—On page 104, line 20, strike “suits” and insert: actions

Amendment 10—On page 104, line 23, strike “suit” and insert: action

Amendment 11—On page 108, line 25, strike “ , (b), or (c)”

Amendment 12—On page 108, line 27, strike “registered office or”

Amendment 13—On page 110, on line 13 strike everything after the word “court”, all of line 14 and the word “located” on line 15.

Amendment 14—On page 112, line 6, strike “Decree” and insert: Judgment

Amendment 15—On page 112, lines 15, 18, 19, 21, strike “decree” and insert: judgment

Amendment 16—On page 113, line 2, strike “reduced to cash and”

Amendment 17—On page 129, line 8, strike “resident” and insert: registered

Amendment 18—On page 129, strike all of lines 10 through 15 and “(i)” on line 16. and insert: “(g)” on line 16 in place of “(i)”.

Amendment 19—On page 141, line 19, insert after the words “this section”: and existing contract rights

Amendment 20—On page 134, line 2, strike “Seventy-five cents (75¢)” and insert: 10¢

Amendment 21—On page 138, line 21, strike “shall” and insert: may

Amendment 22—On page 106, line 28, insert after the words “subsection (2)”: or prior law

Amendment 23—On page 107, strike all of line 6 and the word “paid” on line 7. and insert: computed at the rate provided by law at the time the corporation applies for reinstatement, have been paid.

On motion by Senator Gallen, by two-thirds vote HB 1395 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Brantley	Holloway	Plante	Thomas, J.
Childers, D.	Johnston	Poston	Thomas, P.
Childers, W. D.	Lane, D.	Renick	Tobiassen
Firestone	Lane, J.	Sayler	Trask
Gallen	Lewis	Scarborough	Vogt
Graham	McClain	Sims	Ware
Hair	Myers	Spicola	Winn
Henderson	Peterson	Stolzenburg	Zinkl

Nays—None

By unanimous consent Senators Glisson and MacKay were recorded as voting yea.

By unanimous consent Senator Spicola was recorded as voting nay on Amendment 2 and yea on Amendment 4 to CS for HB 1259 which were adopted by the Senate on May 27 and nay on CS for HB 1259 which passed the Senate on May 27, and was recorded as voting yea on HB 662, HB 663, HB 1168, SB 1329, HB 1251, HB 1252, HB 805, HB 824, HB 1212, HB 846, SB 1331, SB 1334, SB 402, HB 2103, SB 585, SB 1338, SB 830, SB 1354, SB 489, SB 831, HB 530, HB 1340, SB 586, SB 587, SB 1335, SB 1021, HB 1917, HB 847, SB 1284, SB 1332, SB 1333, SB 1339, SB 1340, SB 1347, SB 1351,

HB 1175, HB 1864, HB 1805, HB 1211, HB 1191, HB 1146, HB 1187, HB 1234, SB 1355, SB 1020, HB 2113, HB 1428, HB 1429, SB 1364, SB 1363, HB 719, SB 1365, SB 1374, SB 1359, SB 1360, SB 1361, SB 1367, SB 1368, SB 1369, SB 1371, SB 1372, SB 1373, SB 1349, CSSB 708, SB 330, SB 16, CSSB 280, SB 289, CSSB 1126, SB 1374, SB 1375, CS for SB 158, SB 550 and SB 1381 which passed the Senate on May 27.

CS for HB's 22, 62 and 116—A bill to be entitled An act relating to cruelty to animals; creating s.828.122, Florida Statutes; providing definitions; making it unlawful for persons to keep, use, encourage, or to make available any site for the fighting or baiting of animals; providing a penalty; providing for seizure and disposition of such animals as well as animals mistreated under the provisions of s.828.12, Florida Statutes; creating s.828.123, Florida Statutes; making it unlawful for persons to bet on or attend any fighting or baiting of animals; providing a penalty; providing that this act shall not be applicable to violations of the prohibition against conducting simulated bullfighting exhibitions; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal offered the following amendment which was moved by Senator Vogt:

Amendment 1—On page 1, line 22, strike everything after the enacting clause and insert: Section 1. Section 828.02, Florida Statutes, is amended to read:

828.02 Definitions.—In this chapter, and in every law of the state relating to or in any way affecting animals, the word “animal” shall mean ~~be held to include~~ every living dumb creature; the words “torture,” “torment,” and “cruelty” shall ~~mean be held to include~~ every act, omission or neglect whereby unnecessary or unjustifiable pain or suffering is caused, except when done in the interest of medical science, permitted or relief; “baiting” shall mean to attack with violence, to provoke, or to harass an animal with one or more animals, for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals; and the words “owner” and “person” shall ~~be held to include any natural person, corporations, or any other business association~~ and the knowledge and acts of agents and employees of a ~~person corporation~~ in regard to animals transported, owned, employed by or in the custody of a ~~person corporation~~, shall be held to be the knowledge and act of such ~~person corporation~~.

Section 2. Section 828.122, Florida Statutes, is created to read:

828.122 Animal fighting or baiting, penalties.—

(1) Any person who commits any of the following acts shall be guilty of a misdemeanor of the first degree, punishable as provided in s.775.082, or by a fine not less than \$1,000 and not more than \$5,000, or both.

(a) baiting, or using any animal for the purpose of fighting or baiting any other animal; or

(b) knowingly owning, managing, or operating any facility kept or used for the purpose of fighting or baiting any animal; or

(c) promoting, staging, advertising, or charging any admission fee to a fight or baiting between two or more animals

(2) Any person who wilfully commits any of the following acts shall be guilty of a misdemeanor of the second degree, punishable as provided in s.775.082, or by a fine not less than \$500 and not more than \$1,000, or both.

(a) betting or wagering any money or other valuable consideration on the fighting or baiting of animals; or

(b) attending the fighting or baiting of animals.

(3) Whenever an indictment is returned or an information is filed charging a violation of s.828.12 or s.828.122, and in the case of an information, a magistrate finds probable cause that a violation has occurred, the court shall order the animals seized and held until final disposition of the charges and shall provide for appropriate and humane care or disposition of the animals. This provision shall not be construed as a limitation

on the power to seize animals as evidence at the time of arrest. If the animal is unable to survive humanely the final disposition of the charges, the court may order termination of the animal's life. Upon conviction of the persons charged, the animals involved shall become the property of the state, and the court shall order a humane disposition of them.

(4) The provisions of s.828.122(1) and paragraph (b) of s.828.122(2) shall not apply to:

(a) Any person simulating a fight for the purpose of using the simulated fight as part of a motion picture which will be used on television or in a motion picture, provided s.828.12 is not violated.

(b) Any person using animals to pursue or take wildlife or to participate in any hunting as regulated by the rules and regulations of the Game and Fresh Water Fish Commission.

(c) Any person using animals to work livestock for agricultural purposes.

(d) Any person using animals to train greyhounds for legalized racing if not otherwise prohibited by law.

(e) Any person violating s.828.121.

Section 3. 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 4. Section 828.03, Florida Statutes, is hereby repealed.

Section 5. This act shall take effect October 1, 1975.

Senators Tobiassen and Peterson offered the following amendment to amendment 1 which was moved by Senator Tobiassen:

Amendment 1A—On page 3, after line 21, insert: (f) Any person using gamecocks in cockfighting exhibitions where the natural spur of the gamecock does not exceed 22 millimeters in length.

Senator Brantley moved that debate be limited to 14 minutes. The motion failed by the following vote:

Yeas—20

Brantley	Henderson	Myers	Spicola
Childers, D.	Holloway	Peterson	Thomas, P.
Gallen	Johnston	Poston	Trask
Graham	Lewis	Renick	Vogt
Hair	MacKay	Sims	Ware

Nays—12

Childers, W. D.	McClain	Stolzenburg	Wilson
Dunn	Plante	Thomas, J.	Winn
Firestone	Scarborough	Tobiassen	Zinkil

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:02 p.m. to reconvene at 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President Pro Tempore at 1:00 p.m. A quorum present—35:

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President May 29, 1975

I am directed to inform the Senate that the House of Representatives requests the return of HB 2040.

Allen Morris, Clerk

On motion by Senator Dunn, HB 2040 was returned to the House as requested.

The Honorable Dempsey J. Barron, President May 29, 1975

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

CS for SB 791	CS for SB 454	SB 505
SB 698	CS for SB 242	SB 678
CS for SB 171	CS for SB 609	CS for SB 429
SB 624	SB 387	SB 237
SB 494	SB 1102	CS for SB 251
SB 309	SB 112	SB 330
CS for SB 340	SB 1132	

Allen Morris, Clerk

The bills contained in the above message were ordered enrolled.

On motion by Senator P. Thomas, by two-thirds vote HB 696 was withdrawn from the Committee on Ways and Means and placed at the end of the local calendar.

On motions by Senator Gallen, by two-thirds vote House Bills 1953 and 1955 were withdrawn from the Committees on Judiciary-Civil and Ways and Means and placed at the end of the local calendar.

LOCAL CALENDAR

HB 2123—A bill to be entitled An act relating to Lee County; amending section 1 of chapter 30930, Laws of Florida, 1955, including all land within the corporate limits of the City of Sanibel within the Sanibel Island Fire Control District; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 2123 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 2122—A bill to be entitled An act relating to the Boca Grande Fire Control District, Lee County; amending section 2, chapter 22372, Laws of Florida, 1943, to provide 3-year staggered terms for the members of the Boca Grande Fire Control Board; providing for the filling of vacancies; amending section 3, chapter 22372, Laws of Florida, 1943, as amended, to provide for the annual election of officers by the board; providing for implementation of the act by specifying terms for the first appointments after the effective date of the act; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 2122 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 2118—A bill to be entitled An act relating to Lee County; amending section 1 of chapter 30929, Laws of Florida, 1955, removing from the Captiva Island Fire Control District any land lying and being within the corporate limits of the City of Sanibel; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 2118 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 2121—A bill to be entitled An act relating to Lee County; amending sections 2 and 3, chapter 65-1823, Laws of Florida, relating to the Fort Myers Beach Library District Board; providing for 7 elected, rather than 13 appointed, members of the board; providing for the terms of members; providing for the internal election of officers of the board; providing for the continuance in office of current officeholders until the general election to be held in November 1976; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 2121 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 2120—A bill to be entitled An act relating to Lee County; repealing chapter 69-1060, Laws of Florida, relating to the City of Fort Myers, Lee County, authority and means of changing its territorial limits by annexation of any unincorporated tract of land lying contiguous thereto within Lee County, upon petition to the city by the owners of not less than 51 percent of the land in the area to be annexed and of the majority of the resident freeholders thereof, or upon the written consent of such owners and resident freeholders; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 2120 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 2119—A bill to be entitled An act relating to the City of Cape Coral in Lee County, creating and establishing the City of Cape Coral health facilities authority; providing definitions; providing for appointment of members; providing purposes and powers of the authority; providing for the financing and construction of health facilities; providing for the issuance of revenue bonds and remedies of bondholders; authorizing investment in such bonds; providing for the conveyance of such health facilities; providing a tax exemption; providing an effective date.

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

Yeas—34

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

Nays—None

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.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote SB 1378 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

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.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote SB 1379 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Brantley	Dunn	Glisson	Hair
Childers, D.	Firestone	Gordon	Henderson
Childers, W. D.	Gallen	Graham	Johnston

Lane, D.	Peterson	Stolzenburg	Ware
Lane, J.	Poston	Thomas, J.	Wilson
Lewis	Renick	Thomas, P.	Winn
MacKay	Sayler	Tobiassen	Zinkil
McClain	Scarborough	Trask	
Myers	Spicola	Vogt	

Nays—None

HB 2112—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.

—was read the second time by title. On motion by Senator Renick, by two-thirds vote HB 2112 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 2032—A bill to be entitled An act relating to Monroe County; authorizing the school board of Monroe County to erect, construct, repair, alter or improve any school plant in Monroe County on a cost plus basis or a day labor basis and to pay for the same with any funds from authorized sources when such erection, construction, repair, alteration or improvement costs do not exceed \$950,000 for any one such project, after the plan for such work has been approved by the Department of Education and has been advertised according to law and no responsive bid is submitted or the resulting lowest bid is in excess of 10 percent of the architect's estimate; requiring approval of the Department of Education before proceeding in accordance with the provisions of this act; repealing all laws or parts of laws, whether general or special, particularly Section 235.31, Florida Statutes, and chapter 70-812, Laws of Florida, in conflict with this act, to the extent of such conflict; providing an effective date and an expiration date.

—was read the second time by title. On motion by Senator Renick, by two-thirds vote HB 2032 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 2012—A bill to be entitled An act relating to Monroe County; changing the mileage authorized the County Property Appraiser, formerly known as County Tax Assessor, of Monroe County, while attending to official business beyond the limits of said county; providing an effective date.

—was read the second time by title. On motion by Senator Renick, by two-thirds vote HB 2012 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 2001—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.

—was read the second time by title. On motion by Senator Renick, by two-thirds vote HB 2001 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 1801—A bill to be entitled An act relating to the Florida Keys Aqueduct Authority; amending subsection 2. of section 13, chapter 70-810, Laws of Florida, authorizing the authority to establish a special lower rate, fee, rental, or other charge on the residential accounts of certain persons, 60 years of age or older and totally and permanently disabled American veterans, who, for at least 3 years, have been permanent residents of the geographical area in Monroe County served by the authority; requiring applicants for such special rates to submit an affidavit of eligibility; providing that such affidavit is prima facie evidence of eligibility; providing an effective date.

—was read the second time by title. On motion by Senator Renick, by two-thirds vote HB 1801 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 1802—A bill to be entitled An act relating to the City of Key West, Monroe County; amending section 11 of chapter 69-1191, Laws of Florida, authorizing the Utility Board of the City of Key West to grant lower rates on residential accounts for the use of electricity to certain permanent residents over 60 years of age or who are totally and permanently disabled American veterans; providing an effective date.

—was read the second time by title. On motion by Senator Renick, by two-thirds vote HB 1802 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

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, extending 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.

—was read the second time by title. On motion by Senator Poston, by two-thirds vote SB 1377 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 1800—A bill to be entitled An act relating to Monroe County; amending sections 1 and 3 of chapter 69-1321, Laws of Florida, deleting the requirement that one member of the career service council in Monroe County be from the governing board of the Monroe General Hospital; providing for the selection of a fifth member to the council; deleting reference to the administrator of the Monroe General Hospital as exempt from provisions relating to career service employees; providing an effective date.

—was read the second time by title. On motion by Senator Renick, by two-thirds vote HB 1800 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Consideration of SB 653 and HB 1420 was deferred.

HB 2116—A bill to be entitled An act relating to DeSoto County; amending section 1 of chapter 61-802, Laws of Florida; repealing sections 2, 3, and 4 of chapter 61-802, Laws of Florida; amending subsection (1) of section 1 of chapter 65-1105, Laws of Florida, providing that commencing with fiscal year 1975-1976, the race track funds accruing to DeSoto County, which previously were paid to the largest city of such county, shall be paid to the Board of County Commissioners of DeSoto

County; providing that any sums received by the largest city in DeSoto County pursuant to chapter 61-802 and chapter 65-1105, Laws of Florida, which are not required to completely retire the municipal bonds issued for the paving and improving of the streets of said city, may be paid into the General Fund of said city and used for such purposes as the city may deem appropriate; providing for the repeals of all laws in conflict; providing an effective date.

—was read the second time by title. On motion by Senator Gallen, by two-thirds vote HB 2116 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 2000—A bill to be entitled An act relating to Putnam County; amending section 9(1) of chapter 67-1961, Laws of Florida, relating to interest rates and maturity dates on the issuance of bonds by the Port District of Putnam County; repealing section 11(2) of said chapter relating to security for the payment of revenue bonds; providing an effective date.

—was read the second time by title. On motion by Senator Glisson, by two-thirds vote HB 2000 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 2069—A bill to be entitled An act relating to Levy County; amending section 2 of Chapter 63-1569, Laws of Florida, relating to the Cedar Key Special Water and Sewerage District to provide for an elected five-member board of commissioners; providing for a special election; providing for staggered terms; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 2069 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

On motion by Senator Dunn, by two-thirds vote HB 1865 was withdrawn from the Committee on Rules and Calendar and placed on the local calendar.

SB 228 was taken up and on motion by Senator Dunn—

HB 1865—A bill to be entitled An act relating to Volusia County and the municipalities of Daytona Beach, Ponce Inlet and Daytona Beach Shores; providing for the incorporation into the City of Daytona Beach of the area known as the South Peninsula as defined in this act; providing for the transfer to the City of Daytona Beach of the assets, powers, functions, responsibilities, duties, and obligations of the Town of Ponce Inlet and the City of Daytona Beach Shores; repealing chapters 63-1829, 65-2142, 67-1278, and 69-993, all Laws of Florida; abolishing and dissolving the Town of Ponce Inlet and the City of Daytona Beach Shores; defining the South Peninsula; providing zoning regulations for the South Peninsula; providing for interim representation of the South Peninsula on the City of Daytona Beach City Commission and Planning Board; amending section 2 of chapter 67-1274, Laws of Florida, to redefine the boundaries of the City of Daytona Beach; providing for liberal construction; repealing Chapter 74-467, Laws of Florida; providing for severability; providing for a referendum; providing for an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Dunn, by two-thirds vote HB 1865 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

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.

—was read the second time by title. On motion by Senator Glisson, by two-thirds vote SB 1366 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 2132—A bill to be entitled An act relating to St. Lucie County; amending chapters 67-1996 and 74-600, Laws of Florida, authorizing the District School Board of St. Lucie County to pledge to the payment of certificates of indebtedness issued pursuant to chapter 67-1996, Laws of Florida, the proceeds received by the school board from racetrack funds accruing annually to St. Lucie County and allocated to the school board pursuant to chapters 550 and 551, Florida Statutes, chapter 59-978, Laws of Florida, and chapter 74-600, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 2132 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Consideration of SB 832 was deferred.

SB 109 was laid on the table.

HB 1421—A bill to be entitled An act relating to Anna Maria Island Fire Control District; amending subsection (2) of section 2 of chapter 51-27696 as amended by chapter 59-1536, Laws of Florida, to provide for increased maximum compensation for the secretary-treasurer of said district; amending the first unnumbered paragraph of section 4 of chapter 51-27696 as amended by chapters 59-1535, 1536, Laws of Florida, to provide for an increased maximum annual rate of assessment on each parcel of taxable real property within said district as said parcels appear on the county tax roll, and for additional assessments of each parcel which contains a hazardous condition; and providing that this act shall take effect immediately upon becoming law.

—was read the second time by title.

Senator Gallen moved the following amendment which was adopted:

Amendment 1—On page 3, lines 10-11, strike "immediately upon becoming law." and insert: January 1, 1976

On motion by Senator Gallen, by two-thirds vote HB 1421 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 2011—A bill to be entitled An act relating to Hillsborough County; amending sections 1 and 15 of chapter 69-1121, Laws of Florida, as amended, relating to the Hillsborough County Civil Service Board; providing staggered terms of members, providing for the creation of vacancies and the filling thereof; providing an effective date.

—was read the second time by title. On motion by Senator McClain, by two-thirds vote HB 2011 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

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.

—was read the second time by title. On motion by Senator Spicola, by two-thirds vote SB 1362 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 2153—A bill to be entitled An act relating to the Jupiter Inlet District, Palm Beach County; providing that all references in chapter 8910, Laws of Florida, 1921, as amended, to Jupiter River shall be applicable to the Loxahatchee River; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 2153 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 1710—A bill to be entitled An act relating to the City of Boca Raton, Palm Beach County; amending section 1 of chapter 74-423, Laws of Florida, which created a special taxing district for the acquisition of beach property; redefining the area of the special taxing district by the exclusion of all land area west of the Florida State Turnpike; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 1710 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 1143—A bill to be entitled An act relating to Palm Beach County; amending chapter 70-862, Laws of Florida, as amended; amending s.7(a) and (b) of said chapter, adding references to rules of the Department of Pollution Control and

Division of Health pertaining to environmental control; amending s.10(d) and (f) of said chapter, providing additional duties, functions, powers, and responsibilities of the environmental control hearing board; amending s.14 of said chapter, to make discretionary the environmental control officer's power to seek injunctive relief in the circuit court for Palm Beach County; amending s. 15(a) and (b) of said chapter, providing penalties, and adding subsection (c) to s. 15 of said chapter, providing for the imposition of civil penalties against those found in violation by the environmental control hearing board; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 1143 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 1188—A bill to be entitled An act relating to South Florida Conservancy District, Hendry and Palm Beach Counties; amending section 8, chapter 17258, Laws of Florida, 1935, as amended, relating to the levy of taxes on lands within the district; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 1188 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 1189—A bill to be entitled An act relating to the East Beach Water Control District in Palm Beach County, as created by Chapter 22877, Laws of Florida, 1945, as amended; defining its boundaries; prescribing its powers, privileges, duties, liabilities, and officials; making applicable to said District the provisions of Chapter 298, Florida Statutes, being an act relating to the creation, organization and maintenance of drainage and water management and statutes amendatory thereto; providing for the confirmation of the present Board of Supervisors and their term of office and the election of future Supervisors; defining their term of office and prescribing their duties and powers, qualifications and fixing their compensation; providing for the levies of assessments and taxes upon the lands in said District and for the collection and enforcement thereof; providing that taxes shall be a lien on lands in the District and providing for the collection and enforcement of District taxes at the same time and in like manner as County taxes; providing that said taxes shall be extended by the Property Appraiser on the County tax roll and shall be collected by the Tax Collector in the same manner and time as County taxes; providing for the same discounts and penalties as County taxes and providing for the compensation of the County taxing officials; providing for the levy of a uniform acreage maintenance tax on lands in said District to be used for paying operating expenses in said District to be effective for the tax year beginning January 1, 1975; authorizing said District to borrow money and issue negotiable or nonnegotiable notes,

bonds, and other evidences of indebtedness in order to better carry out the provisions of this act; declaring that control of surface and sub-surface waters in said District are a common problem; providing that bonds shall be issued by said District without the approval of the Board of Drainage Commissioners; providing that owners of land may not pay taxes in advance; authorizing the drainage, reclamation and irrigation of the lands in said District by units; providing that the act shall take precedence over any conflicting law to the extent of such conflict; approving the manner of giving notice of intention to apply for this legislation; enacting other provisions relating to this subject; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 1189 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 1999—A bill to be entitled An act relating to Palm Beach County; authorizing a countywide Solid Waste Authority; providing short title; providing declaration of legislative intent; providing for creation of countywide Solid Waste Authority; providing funding; providing for application to incorporated and unincorporated areas; providing definitions; providing purposes and powers; providing exemption from taxation; providing prohibition, permits and penalty; providing enforcement; providing injunctive relief; providing judicial review; repealing chapter 74-564, Laws of Florida, relating to a Palm Beach County solid waste authority; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 1999 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 2097—A bill to be entitled An act relating to Sugarland Water Management District, Hendry and Glades Counties; renaming the Sugarland Water Management District; repealing s.1 of Chapter 74-485, Laws of Florida, which renamed the district as the Sugarland Water Management District; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 2097 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Brantley	Gallen	Henderson	MacKay
Childers, D.	Glisson	Johnston	McClain
Childers, W. D.	Gordon	Lane, D.	Myers
Dunn	Graham	Lane, J.	Peterson
Firestone	Hair	Lewis	Poston

Renick	Stolzenburg	Trask	Winn
Sayler	Thomas, J.	Vogt	Zinkil
Scarborough	Thomas, P.	Ware	
Spicola	Tobiassen	Wilson	

Nays—None

HB 2096—A bill to be entitled An act relating to Clewiston Water Management District, Hendry and Glades Counties; renaming the Clewiston Water Management District; repealing s.1 of Chapter 74-486, Laws of Florida, which renamed the district as the Clewiston Water Management District; fixing its fiscal year; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 2096 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 2098—A bill to be entitled An act relating to Sugarland Drainage District, Hendry and Glades Counties; authorizing the board of the district to levy taxes; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 2098 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 2111—A bill to be entitled An act relating to Disston Island Drainage District, a drainage district in Hendry and Glades Counties, Florida, as created by Chapter 9977, Laws of Florida, Acts of 1923; repealing all parts of Chapter 10472, Laws of Florida, Acts of 1925, Chapter 13626, Laws of Florida, Acts of 1929, Chapter 14710, Laws of Florida, Acts of 1931, Chapter 17891, Laws of Florida, Acts of 1937, Chapter 20495, Laws of Florida, Acts of 1941, Chapter 22879, Laws of Florida, Acts of 1945, and Chapter 25445, Laws of Florida, Acts of 1949; amending Section 1 of Chapter 9977, Laws of Florida, Acts of 1923; granting additional powers to said district and changing the name to Disston Island Conservancy District; providing for the equal assessment of benefits for all lands in the District; providing for the levy and collection of a rehabilitation tax; providing for severability of the provisions of the act; providing that the act shall take precedence over any conflicting law to the extent of such conflict; providing the manner of giving notice of intention to apply for this legislation; enacting other provisions relating to this subject; and providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 2111 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 2095—A bill to be entitled An act relating to the Hendry county hospital authority of Hendry county; amending s.15 of chapter 67-1446, Laws of Florida, as amended by chapter 71-664, Laws of Florida, to provide that the millage resolution shall be adopted and sent to the board of county commissioners and department of revenue, State of Florida, after the property appraiser certifies to the authority the taxable value of the property on which the authority may levy taxes, and the millage rate which will provide the same ad valorem tax revenue as was levied during the prior year; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 2095 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 2155—A bill to be entitled An act relating to Cedar Hammock Fire Control District, Manatee County; amending subsection (1) of Section 4 of Chapter 57-1546, Laws of Florida, as amended by Chapters 59-1538, 65-1897 and 72-614, Laws of Florida, relating to the rate of special assessments to be levied against lands in the district, to increase the maximum amount which may be levied upon specified categories of property; repealing subparagraph (10) of subsection (1) of Section 4; amending Section 8 of Chapter 57-1546, Laws of Florida, relating to use of District funds; providing an effective date.

—was read the second time by title.

Senator Gallen moved the following amendment which was adopted:

Amendment 1—On page 3, line 5, strike “upon becoming law.” and insert: January 1, 1976

On motion by Senator Gallen, by two-thirds vote HB 2155 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 2156—A bill to be entitled An act relating to Manatee County, Samoset Fire Control District; amending Section 3 of Chapter 57-1544 of said Act, as previously amended by

Chapter 73-545, Laws of Florida, providing for recommendations for appointment of the Board of Commissioners and for appointment by the Governor; and amending the first unnumbered paragraph of section 4 of Chapter 57-1544, Laws of Florida, as previously amended by Chapters 59-1540, 65-1890 and 71-761, Laws of Florida, relating to the rate of special assessments to be levied against said lands in said district, to increase the maximum amount which may be levied upon specified categories of property; and providing an effective date.

—was read the second time by title.

Senator Gallen moved the following amendment which was adopted:

Amendment 1—On page 3, line 10, strike “upon becoming law.” and insert: January 1, 1976.

On motion by Senator Gallen, by two-thirds vote HB 2156 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 2157—A bill to be entitled An act relating to the Manatee County Mosquito Control District, Manatee County; amending Section 12 of Chapter 69-1286, Laws of Florida, which previously amended and consolidated Section 16 of Chapter 24677, Laws of Florida, special acts of 1947, as amended by Chapter 63-1590, Laws of Florida, relating to the rate of special assessments to be levied against taxable real and personal property in the district to provide that no tax millage shall exceed one-quarter ($\frac{1}{4}$) mill on the dollar of assessed value; providing an effective date.

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

Yeas—34

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

Nays—None

HB 2158—A bill to be entitled An act relating to Manatee County, Oneco-Tallevast Fire Control District; amending subsection 1 of Section 4 of Chapter 57-1545, Laws of Florida, as amended by Chapters 59-1533, 67-1684 and 69-1282, Laws of Florida, prescribing the commissions and fees for assessment and collection against taxable property within said fire control district; amending Section 8 of Chapter 57-1545, Laws of Florida, relating to use of district funds; amending Section 12 of Chapter 57-1545, Laws of Florida, prescribing fiscal year; providing an effective date.

—was read the second time by title.

Senator Gallen moved the following amendment which was adopted:

Amendment 1—On page 3, line 27, strike “upon becoming law.” and insert: January 1, 1976

On motion by Senator Gallen, by two-thirds vote HB 2158 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 2023—A bill to be entitled An act relating to the Manatee County Port Authority; amending Section 3 of Special Acts Chapter 67-1681, Laws of Florida, as amended by Sections 1 thru 5 of Special Acts Chapter 69-1279, Laws of Florida; amending Section 4 of Special Acts Chapter 67-1681, Laws of Florida, as amended by Section 1 of Special Acts Chapter 69-1277, Laws of Florida; relating to publicity, advertising and promotion by the Manatee County Port Authority; deleting any reference to a maximum interest rate on any bonds to be issued by the Manatee County Port Authority; providing an effective date.

—was read the second time by title. On motion by Senator Gallen, by two-thirds vote HB 2023 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Consideration of House Bills 2067, 2066 and 2077 was deferred.

HB 2030—A bill to be entitled An act relating to Broward County; adding section 12A. to chapter 24415, Laws of Florida, 1947, authorizing the Board of Commissioners of the South Broward Hospital District to accept promissory notes with regard to money owing to the district; prohibiting said Board of Commissioners from assigning, selling, or setting over said promissory notes to commercial institutions or private collection agencies for collection; providing an effective date.

—was read the second time by title. On motion by Senator Zinkil, by two-thirds vote HB 2030 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 2029—A bill to be entitled An act relating to Broward County; adding section 12A. to chapter 27438, Laws of Florida, 1951, authorizing the Board of Commissioners of the North Broward Hospital District to accept promissory notes with

regard to money owing to the district; prohibiting said Board of Commissioners from assigning, selling, or setting over said promissory notes to commercial institutions or private collection agencies for collection; providing an effective date.

—was read the second time by title. On motion by Senator Zinkil, by two-thirds vote HB 2029 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 2028—A bill to be entitled An act relating to Broward County; amending section 2 of chapter 74-449, Laws of Florida, to provide that the fiscal year for the North Broward Hospital District shall commence July 1 and end June 30 of each calendar year rather than just for the 1974-1975 fiscal year; providing an effective date.

—was read the second time by title. On motion by Senator Zinkil, by two-thirds vote HB 2028 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 2027—A bill to be entitled An act relating to Broward County; amending section 2 of chapter 74-450, Laws of Florida, to provide that the fiscal year for the South Broward Hospital District shall commence May 1 and end April 30 of each calendar year rather than just for the 1974-1975 fiscal year; providing an effective date.

—was read the second time by title. On motion by Senator Stolzenburg, by two-thirds vote HB 2027 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 2199—A bill to be entitled An act relating to Broward County; creating the West Parkland Water Management District; providing for its boundaries; providing definitions; providing for the appointment and method of appointment of the supervisors of the district and their terms of office; providing for the method of replacement of supervisors of the district and the number of supervisors; providing for the taxing authority of the district; providing for the method of issuance of bonds

by the district; providing for the method of compensation of the officers and supervisors of the district; providing for the right of eminent domain by the district to carry out the purposes of this act; providing for the scope of the duties of the officers and supervisors of the district including but not limited to the construction of facilities for the water management of the lands within the district; providing for the collections and expenditure of funds to carry out the purposes of this act; providing for the method for receiving bids and the granting of contracts by the district to carry out its purposes; providing for the powers and duties necessary to carry out the purposes of this act; providing an effective date.

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

Yeas—34

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

Nays—None

HB 1437—A bill to be entitled An act relating to Brevard County; repealing the provisions of any special act or municipal charter relating to procedures for adjusting the municipal boundaries of any municipality in Brevard County; providing that adjustments of municipal boundaries conform to general law; providing exception; providing an effective date.

—was read the second time by title. On motion by Senator Wilson, by two-thirds vote HB 1437 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 1551—A bill to be entitled An act to establish a wild-life and bird reservation and sanctuary in Brevard County, Florida; to fix the boundaries of said reservation; to prohibit the chasing, molesting and killing of all wildlife and birds within such reservation and sanctuary; to provide for the maintenance of same; to prescribe a penalty for violation of this act; to establish an effective date.

—was read the second time by title. On motion by Senator Wilson, by two-thirds vote HB 1551 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 2025—A bill to be entitled An act relating to Brevard County; amending section 6, section 12(f), and section 13 of chapter 67-1145, Laws of Florida, also known as the Brevard County Public Works Act; providing that any bonds or certificates of indebtedness issued under the provisions of said act shall bear interest at such rates without limitation as the governing body shall determine to be necessary to sell said bonds; providing an effective date.

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

Yeas—34

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

Nays—None

HB 2026—A bill to be entitled An act relating to Brevard County, Florida; relating to oyster and clam conservation; regulating the taking and transportation of oysters and clams from the waters of Brevard County; placing limits on the taking and transportation of oysters and clams from the waters of Brevard County for personal consumption; providing exceptions; providing that violation is a misdemeanor; providing an effective date.

—was read the second time by title. On motion by Senator Vogt, by two-thirds vote HB 2026 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 1896—A bill to be entitled An act relating to the Quadri-centennial Commission of Pensacola, as created by Chapter 57-2043, Laws of Florida, as amended; providing for the liquidation of said commission; providing for the manner of payment of outstanding paving revenue certificates of the commission by Santa Rosa Island Authority from rentals due and payable to the commission; providing for the payment of any other debts of the commission and bank charges; providing for the transfer of any cash of the commission remaining to Santa Rosa Island Authority to be used for the payment of such revenue certificates and for other public purposes; providing for the transfer of all tangible personal property owned by the authority to Historic Pensacola Preservation Board; providing for the abolishment of said commission and an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote HB 1896 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

SB 804—A bill to be entitled An act relating to historic preservation boards of trustees; creating part VI of chapter 266, Florida Statutes; creating the Historic Tampa/Hillsborough County Preservation Board of Trustees; providing definitions; providing for appointment, terms of office, payment of expenses and bonding of board members; providing powers of board; providing for establishment of historic districts; providing for architectural review boards; creating the Ybor City Historic District; creating the Barrio Latino Commission; providing an appropriation; providing that the Historic Tampa/Hillsborough County Preservation Board of Trustees be subject to budget review and approval by the secretary of state; repealing s.266.-209, Florida Statutes, relating to boards subject to direct control of the secretary of state; repealing chapters 59-1923, 63-1979 and 67-2117, Laws of Florida, relating to the Barrio Latino Commission; providing an effective date.

—was read the second time by title. On motion by Senator McClain, by two-thirds vote SB 804 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

On motion by Senator Scarborough, by two-thirds vote HB 2241 was withdrawn from the Committee on Rules and Calendar and placed on the local calendar.

SB 1358 was taken up and on motion by Senator Scarborough—

HB 2241—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 the procurement of supplies, materials, and services when reasonably procurable only through negotiation, and to permit the procurement of materials and supplies 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 date," 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.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Scarborough, by two-thirds vote HB 2241 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Brantley	Dunn	Glisson	Hair
Childers, D.	Firestone	Gordon	Henderson
Childers, W. D.	Gallen	Graham	Johnston

Lane, D.	Peterson	Stolzenburg	Ware
Lane, J.	Poston	Thomas, J.	Wilson
Lewis	Renick	Thomas, P.	Winn
MacKay	Sayler	Tobiassen	Zinkil
McClain	Scarborough	Trask	
Myers	Spicola	Vogt	

Nays—None

HB 696—A bill to be entitled An act for the relief of Ronald Nat Coleman, a minor, and Shirley Coleman, his mother and natural guardian; authorizing and directing the district school board of Leon County to compensate them for damages suffered by Ronald Nat Coleman as the result of negligence of an instructor employed by the district school board of Leon County; providing an effective date.

—was read the second time by title. On motion by Senator P. Thomas, by two-thirds vote HB 696 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 1953—A bill to be entitled An act relating to constructive service of process; amending section 49.10(1)(b), Florida Statutes, to provide for publication of notices of action on behalf of insolvent persons except in any county having a court docket fund; providing an effective date.

—was read the second time by title. On motion by Senator Scarborough, by two-thirds vote HB 1953 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 1955—A bill to be entitled An act relating to legal and official advertisements; creating section 50.071, Florida Statutes, establishing a court docket fund for the purpose of paying the costs of new civil cases in Circuit Court by their style and publishing the calendars relating to such cases; providing for a filing fee of one dollar (\$1.00) to create such fund; requiring publishers of designated record newspapers to waive the amounts chargeable qualified under section 57.081, Florida Statutes, for publishing certain official public notices or legal advertisements which are subject to section 49.10, Florida Statutes, to insolvent and poverty-stricken persons; providing an effective date.

—was read the second time by title. On motion by Senator Scarborough, by two-thirds vote HB 1955 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Brantley	Firestone	Graham	Lane, D.
Childers, D.	Gallen	Hair	Lane, J.
Childers, W. D.	Glisson	Henderson	Lewis
Dunn	Gordon	Johnston	MacKay

McClain	Sayer	Thomas, P.	Wilson
Myers	Scarborough	Tobiassen	Winn
Peterson	Spicola	Trask	Zinkil
Poston	Stolzenburg	Vogt	
Renick	Thomas, J.	Ware	

Nays—None

On motion by Senator Brantley, the rules were waived and all the foregoing local bills were ordered immediately certified to the House.

Special Order, continued

The Senate resumed—

CS for HB's 22, 62 and 116—A bill to be entitled An act relating to cruelty to animals; creating s.828.122, Florida Statutes; providing definitions; making it unlawful for persons to keep, use, encourage, or to make available any site for the fighting or baiting of animals; providing a penalty; providing for seizure and disposition of such animals as well as animals mistreated under the provisions of s.828.12, Florida Statutes; creating s.828.123, Florida Statutes; making it unlawful for persons to bet on or attend any fighting or baiting of animals; providing a penalty; providing that this act shall not be applicable to violations of the prohibition against conducting simulated bullfighting exhibitions; providing an effective date.

—with pending amendments 1 and 1A:

Amendment 1—On page 1, line 22, strike everything after the enacting clause and insert: Section 1. Section 828.02, Florida Statutes, is amended to read:

828.02 Definitions.—In this chapter, and in every law of the state relating to or in any way affecting animals, the word "animal" shall mean be held to include every living dumb creature; the words "torture," "torment," and "cruelty" shall mean be held to include every act, omission or neglect whereby unnecessary or unjustifiable pain or suffering is caused, except when done in the interest of medical science, permitted or allowed to continue when there is reasonable remedy or relief; "baiting" shall mean to attack with violence, to provoke, or to harass an animal with one or more animals, for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals; and the words "owner" and "person" shall be held to include any natural person, corporations, or any other business association and the knowledge and acts of agents and employees of a person corporations in regard to animals transported, owned, employed by or in the custody of a person corporation, shall be held to be the knowledge and act of such person corporation.

Section 2. Section 828.122, Florida Statutes, is created to read:

828.122 Animal fighting or baiting, penalties.—

(1) Any person who commits any of the following acts shall be guilty of a misdemeanor of the first degree, punishable as provided in s.775.082, or by a fine not less than \$1,000 and not more than \$5,000, or both.

(a) baiting, or using any animal for the purpose of fighting or baiting any other animal; or

(b) knowingly owning, managing, or operating any facility kept or used for the purpose of fighting or baiting any animals; or

(c) promoting, staging, advertising, or charging any admission fee to a fight or baiting between two or more animals

(2) Any person who wilfully commits any of the following acts shall be guilty of a misdemeanor of the second degree, punishable as provided in s.775.082, or by a fine not less than \$500 and not more than \$1,000, or both.

(a) betting or wagering any money or other valuable consideration on the fighting or baiting of animals; or

(b) attending the fighting or baiting of animals.

(3) Whenever an indictment is returned or an information is filed charging a violation of s.828.12 or s.828.122, and in the case of an information, a magistrate finds probable cause that a violation has occurred, the court shall order the animals

seized and held until final disposition of the charges and shall provide for appropriate and humane care or disposition of the animals. This provision shall not be construed as a limitation on the power to seize animals as evidence at the time of arrest. If the animal is unable to survive humanely the final disposition of the charges, the court may order termination of the animal's life. Upon conviction of the persons charged, the animals involved shall become the property of the state, and the court shall order a humane disposition of them.

(4) The provisions of s.828.122(1) and paragraph (b) of s.828.122(2) shall not apply to:

(a) Any person simulating a fight for the purpose of using the simulated fight as part of a motion picture which will be used on television or in a motion picture, provided s.828.12 is not violated.

(b) Any person using animals to pursue or take wildlife or to participate in any hunting as regulated by the rules and regulations of the Game and Fresh Water Fish Commission.

(c) Any person using animals to work livestock for agricultural purposes.

(d) Any person using animals to train greyhounds for legalized racing if not otherwise prohibited by law.

(e) Any person violating s.828.121.

Section 3. 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 4. Section 828.03, Florida Statutes, is hereby repealed.

Section 5. This act shall take effect October 1, 1975.

Amendment 1A—On page 3, after line 21, insert: (f) Any person using gamecocks in cockfighting exhibitions where the natural spur of the gamecock does not exceed 22 millimeters in length.

Amendment 1A failed.

Senator Vogt moved the following amendment to Amendment 1 which was adopted:

Amendment 1B—On page 3, lines 13-16, strike all of (b) and insert: (b) Any person using animals to pursue or take wildlife or to participate in any hunting, when such activities are in accordance with, or are not prohibited by, the rules and regulations of the Game and Fresh Water Fish Commission.

The Committee on Agriculture offered the following amendments to Amendment 1 which were moved by Senator Vogt and adopted:

Amendment 1C—On page 3, strike lines 28 and 29 and renumber.

Amendment 1D—On page 2, line 27, strike "biled" and insert "filed"

On motion by Senator Spicola, the Senate reconsidered the vote by which Amendment 1B was adopted. The question recurred on Amendment 1B which failed.

Further consideration of Amendment 1 was deferred.

The Committee on Judiciary-Criminal offered the following amendment which was moved by Senator Gallen:

Amendment 2—On page 1, strike all of lines 4 through 18 and insert: An act relating to cruelty to children and animals; amending s.828.02, Florida Statutes, to provide definitions; creating s.828.122, Florida Statutes; making it unlawful for persons to use animals for fighting or baiting, to own or manage any facility used for the purpose of animal fighting or baiting, to promote any animal fighting or baiting; making it unlawful to bet or attend any animal fighting or baiting; providing penalties; providing for seizure and disposition of the animals; providing exceptions for motion pictures, for wildlife hunting, for greyhound racing, and for violations of

simulated bullfighting; repealing s.828.03, Florida Statutes, which authorizes the appointment by societies and associations for the prevention of cruelty to children and animals of agents to arrest and to prosecute persons committing acts of cruelty to children and animals; providing an effective date.

The Committee on Agriculture offered the following amendments to Amendment 2 which were moved by Senator Gallen and adopted:

Amendment 2A—On page 1, line 15, after the semicolon insert: providing a severability clause;

Amendment 2B—On page 1, lines 11—15, strike “repealing s.828.03, Florida Statutes, which authorizes the appointment by societies and associations for the prevention of cruelty to children and animals of agents to arrest and to prosecute persons committing acts of cruelty to children and animals;”

Amendment 2 as amended was adopted.

Senator Barron moved that consideration of CS for HB's 22, 62 and 116 be deferred.

Senator Wilson moved as a substitute motion that debate on CS for HB's 22, 62 and 116 be limited to 5 minutes per side. The motion failed by the following vote:

Yeas—19

Childers, D.	Hair	Plante	Vogt
Firestone	Holloway	Poston	Wilson
Glisson	Johnston	Renick	Winn
Gordon	MacKay	Spicola	Zinkil
Graham	Myers	Thomas, P.	

Nays—10

Barron	Dunn	Peterson	Trask
Brantley	Lane, D.	Scarborough	
Childers, W. D.	McClain	Tobiassen	

The motion by Senator Barron was withdrawn.

Senators W. D. Childers and Vogt offered the following amendment which was moved by Senator Vogt and adopted:

Amendment 3—Insert new section 4: This act shall not apply to hohunting of wild hogs, or retrieval of domestic hogs by their owners.

(and renumber)

Senator Dunn moved the following amendment which was adopted:

Amendment 4—On page 3 of Amendment 1, line 14, after “regulated” insert: or subject to being regulated

Senator Vogt moved the following amendment which was adopted:

Amendment 5—On page 1, line 15, insert after the semi colon; providing an exemption for hog-hunting or retrieval of hogs;

Senator Vogt moved that CS for HB's 22, 62 and 116 be read the third time by title.

The motion failed by the following vote:

Yeas—17

Childers, D.	Graham	Myers	Vogt
Dunn	Hair	Peterson	Wilson
Firestone	Holloway	Plante	
Glisson	Lane, J.	Spicola	
Gordon	McClain	Stolzenburg	

Nays—10

Childers, W. D.	Renick	Thomas, P.	Winn
Lane, D.	Scarborough	Tobiassen	
Poston	Thomas, J.	Trask	

By unanimous consent Senator Brantley was recorded as voting yea.

SB 582—A bill to be entitled An act relating to the Florida Commission on Human Relations of the Department of Community Affairs; amending s.13.251(6), (11), (12), Florida Statutes, and adding a new subsection to said section; empowering the commission to make recommendations to parties in a discrimination complaint to arbitrate or bring any civil action; empowering the commission to become a deferral agency for the Federal Government; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil offered the following amendment which was moved by Senator Childers and adopted:

Amendment 1—On page 1, lines 24—30, strike “(6) To receive, initiate, investigate, seek to conciliate, hold hearings on, and pass upon complaints alleging discrimination on the grounds of race, color, religion, sex, or national origin and to make recommendations to the parties to arbitrate or bring any civil action before any court of competent jurisdiction to eliminate any discrimination.”

The Committee on Judiciary-Civil offered the following amendment which was moved by Senator Ware and failed:

Amendment 2—On page 1, line 28, insert after “action”: through the Office of the Attorney General

On motion by Senator Wilson, by two-thirds vote SB 582 as amended was read the third time by title, passed and ordered engrossed. The vote on passage was:

Yeas—29

Brantley	Holloway	Peterson	Thomas, J.
Childers, D.	Johnston	Plante	Trask
Dunn	Lane, D.	Poston	Vogt
Firestone	Lane, J.	Renick	Wilson
Graham	Lewis	Saylor	Winn
Hair	MacKay	Scarborough	
Henderson	McClain	Spicola	
	Myers	Stolzenburg	

Nays—None

By unanimous consent Senators P. Thomas and Ware were recorded as voting yea.

HB 85—A bill to be entitled An act relating to state attorneys; amending s.27.14(1), Florida Statutes, as amended, providing that executive orders that exchange or assign state attorneys and that are filed by the governor with the office of the secretary of state shall be valid for a period of 6 months from the date of issuance of the order; providing for renewal of such orders; providing for approval by the Supreme Court upon application of the governor for renewal; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil offered the following amendments which were moved by Senator Dunn and adopted:

Amendment 1—On page 1, line 18, strike everything after the enacting clause and insert: Section 1. Subsection (1) of section 27.14, Florida Statutes, 1974 Supplement, is amended to read:

27.14 Assigning state attorneys to other circuits.—

(1) If any state attorney shall be disqualified to represent the state in any investigation, case, or matter pending in the courts of his circuit, or if for any other good and sufficient reason the governor of the state determines that the ends of justice would be best served, the governor may, by executive order filed with the Department of State, either order an exchange of circuits or of courts between such state attorney and any other state attorney of the state or order an assignment of any state attorney of the state to discharge the duties of the state attorney with respect to one or more specified investigations, cases, or matters, which investigations, cases, or matters shall be specified in general in the executive order of the governor. Any exchange or assignment of any state attorney hereunder to a particular circuit shall expire 6 months from the date of issuance unless approved by order of the Supreme Court upon application of the governor showing good and sufficient cause to extend such exchange or assign-

ment. for a period in excess of 60 days in any one calendar year must be approved by order of the supreme court upon application of the governor showing good and sufficient cause to extend such exchange or assignment.

Section 2. Section 27.151, Florida Statutes, is created to read:

27.151 confidentiality; report to legislature.—

(1) If the governor provides in an executive order issued pursuant to ss.27.14 or 27.15 that the order or a portion thereof is confidential, the order or portion so designated, the application of the governor to the supreme court, all proceedings thereon, and the order of the supreme court shall be confidential and exempt from the provisions of s.119.07.

(2) The governor shall submit to the president of the senate and the speaker of the house of representatives before February 1 of each year a report specifying the state attorneys assigned or exchanged during the preceding calendar year, the dates of, and the reasons for such assignments or exchanges. If the governor designates all or any portion of this report as confidential, the portions so designated shall be confidential and exempt from s.119.07 and other laws and rules requiring public access or disclosure.

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

Amendment 2—Strike the title and insert: An act relating to state attorneys; amending s.27.14(1), Florida Statutes, 1974 Supplement; providing that executive orders that exchange or assign state attorneys and that are filed by the governor with the office of the Department of State shall be valid for a period of 6 months from the date of issuance of the order; providing for renewal of such orders upon application to the Supreme Court; creating s.27.151, Florida Statutes, providing for confidentiality; providing for a report to the legislature; providing an effective date.

On motion by Senator Dunn, by two-thirds vote HB 85 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Brantley	Holloway	Peterson	Tobiasen
Childers, D.	Johnston	Poston	Trask
Dunn	Lane, D.	Renick	Vogt
Firestone	Lane, J.	Saylor	Wilson
Gordon	Lewis	Scarborough	Winn
Graham	MacKay	Spicola	Zinkil
Hair	McClain	Stolzenburg	
Henderson	Myers	Thomas, J.	

Nays—None

By unanimous consent Senators P. Thomas and Ware were recorded as voting yea.

CS for HB 173—A bill to be entitled An act relating to elections; amending s.100.091(1), Florida Statutes, changing the date of the second primary election to the fourth Tuesday after the first primary election; providing an effective date.

—was read the second time by title.

Senator Henderson moved the following amendments which were adopted:

Amendment 1—On page 1, line 20, insert: Section 2 Paragraph (a) of subsection (3) and subsections (6) and (11) of section 103.101, Florida Statutes, are amended to read:

103.101 Presidential preference primary.—

(3)(a) The name of any candidate for a political party nomination for President of the United States shall be printed on the ballots upon the direction of a Presidential Candidate Selection Committee composed of a nonvoting chairman who shall be the Secretary of State, the Speaker of the House of Representatives, the President of the Senate, the minority leaders of both the House and Senate, and the chairmen of political parties required to have a presidential preference primary under this section, or their respective designees. The Secretary of State, during the second week in January each

year a presidential preference primary is held, shall prepare and publish a list of names of presidential candidates who are generally advocated or recognized in news media throughout the United States or in the state. The Secretary of State shall submit such list of names of presidential candidates to the selection committee during the second week in January each year a presidential preference primary election is held. Each person designated by the Secretary of State as a presidential candidate shall appear on the presidential preference primary ballot unless all committee members of the same political party as the candidate agree to delete such candidate's name from the ballot. The selection committee shall meet in Tallahassee during the third week in January each year a presidential preference primary is held, on a date publicly announced by the chairman. The selection committee shall publicly announce and submit the names of presidential candidates who shall appear on the presidential primary ballot to the Department of State no later than January 20 each year a presidential preference primary election is held. Not later than February 1, the Department of State shall notify each presidential candidate designated by the committee. Such notification shall be in writing by registered mail with return receipt requested.

(6) Unless otherwise provided by party rule, not later than noon on March 1 each year that a presidential preference primary is held, each presidential candidate whose name has been selected to be placed on the ballot may submit to the Department of State a list of delegates and delegate alternates. The state executive committee of each party, by rule at least 90 days prior to the presidential preference primary election, shall establish procedures to be followed in the selection of delegates and delegate alternates from among each candidate's supporters.

(a) The Department of State shall make lists of delegates and delegate alternates available to the public at accessible places within each congressional district and at such times as may reasonably be determined.

(b) If a presidential candidate fails to submit a list of delegates by noon on March 1 and by virtue of the vote of the presidential preference primary becomes entitled to delegates and delegate alternates, such candidate shall have delegates and delegate alternates elected from among the candidate's supporters according to party rule. The state executive committee of each party, at least 90 days prior to the primary election, shall adopt rules for such contingency.

(11)(a) The state executive committee of each party, by rule adopted at least 90 days prior to the presidential preference primary election, shall determine the number of delegates and delegate alternates that may be elected from the state at large by the executive committee of the party and from each congressional district. At least 75 ^{66-2/3} percent of all delegates shall be elected from congressional districts. At least two delegates shall be elected by the state executive committee of the parties; but no more than 25 ¹⁰ percent of all delegates may be elected by the state executive committee of the party. The remainder of the delegates shall be elected from the state at large.

(b) Delegates shall be allocated among the candidates by one of the following two methods:

1. The presidential candidate receiving the highest number of votes in any congressional district shall receive all delegate votes from such congressional district. The presidential candidate receiving the highest number of statewide votes shall receive all statewide delegate votes and all votes of delegates chosen by the state executive committee of the candidate's party.

2. When provided by party rule, delegates at the congressional district level and at the statewide level shall be allocated among the several candidates on the basis of the proportion of the number of votes each candidate receives as such number of votes relates to the total number of votes cast for the candidates of the same party at the congressional district or statewide level. Such party rule shall provide that delegates need not be allocated to any candidate receiving less than 15 percent of the votes cast for candidates of his political party at the congressional district or statewide level. Such party rule shall provide that the entire number of delegates for a given congressional district and the entire number of statewide delegates be allocated among only those candidates receiving over 15 percent of the vote. In the event that delegates are to be

chosen pursuant to the provisions of this paragraph, the Secretary of State shall cause the words "No Preference" to appear on the presidential preference primary ballot after the names of the candidates of any political party electing to utilize the provisions of this paragraph. Voters may cast their votes for such designation in the same manner that they cast votes for candidates of that party. In the event that the number of votes cast for such designation at the district or statewide level is at least 15% of the total votes cast for the ballot of such party at that level, delegates shall be allocated in the manner prescribed above. Delegates so allocated shall be considered uncommitted delegates and shall be chosen in the manner prescribed by party rule for delegates allocated to candidates. When delegates are to be allocated according to the provisions of this paragraph, the number of delegates that each candidate is to receive shall be rounded to the nearest whole number.

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

Amendment 2—On page 1, line 8, insert after "elections;:" amending s.103.101(3)(a), (6), and (11), Florida Statutes; deleting designees of members of a Presidential Candidate Selection Committee as substitute members of the committee; providing that the time for filing a list of delegates may be provided by party rule; increasing the percentage of delegates who shall be elected from congressional districts and increasing the percentage of delegates who may be elected by the state executive committee; providing an alternative method for allocation of delegates;

Senators Deeb and Myers offered the following amendment which was moved by Senator Myers and adopted:

Amendment 3—Strike Section 3 and insert: Section 3. This act shall take effect upon becoming a law, except that section one of this act shall take effect July 1, 1978 and shall expire on Dec. 31, 1982.

On motion by Senator Myers, by two-thirds vote CS for HB 173 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

By unanimous consent Senator Wilson was recorded as voting yea.

SB 440—A bill to be entitled An act relating to the sales and use tax; amending s.212.05(1), Florida Statutes; providing an exemption from the sales and use tax on the sale of a boat by a registered dealer when the boat is removed from the state within 10 days; providing for proof of removal; providing a penalty; providing an effective date.

—was read the second time by title. On motion by Senator Holloway, by two-thirds vote SB 440 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—24

Childers, D.	Holloway	Myers	Thomas, J.
Firestone	Johnston	Poston	Tobiassen
Gallen	Lane, D.	Renick	Trask
Graham	Lane, J.	Scarborough	Ware
Hair	MacKay	Spicola	Winn
Henderson	McClain	Stolzenburg	Zinkil

Nays—None

By unanimous consent Senator Vogt was recorded as voting yea, Senator Wilson as voting nay.

HB 240—A bill to be entitled An act relating to general criminal penalties; creating s.775.0845, Florida Statutes, providing that any person convicted of a felony which was committed while such person was on bail shall be sentenced as a subsequent felony offender; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal offered the following amendment which was moved by Senator Spicola and adopted:

Amendment 1—On page 1, line 17, following the word "bail" insert: for a felony offense

On motion by Senator J. Thomas, by two-thirds vote HB 240 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—22

Brantley	Hair	Renick	Tobiassen
Childers, D.	Holloway	Sayler	Trask
Childers, W. D.	Lane, D.	Scarborough	Ware
Deeb	Lane, J.	Sims	Winn
Firestone	McClain	Thomas, J.	
Glisson	Poston	Thomas, P.	

Nays—6

Dunn	Johnston	Spicola	Vogt
Graham	MacKay		

By unanimous consent Senators Peterson, Gallen, Wilson and Myers were recorded as voting yea.

HB 1908—A bill to be entitled An act relating to motor vehicle noise; amending Section 403.415(4)(b), Florida Statutes, 1974 Supplement, relating to new vehicle noise limits; amending Section 403.415(8), Florida Statutes, 1974 Supplement, relating to replacement equipment; providing an effective date.

—was read the second time by title. On motion by Senator Vogt, by two-thirds vote HB 1908 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Brantley	Graham	MacKay	Thomas, J.
Childers, D.	Hair	McClain	Tobiassen
Childers, W. D.	Henderson	Myers	Trask
Dunn	Johnston	Peterson	Vogt
Firestone	Lane, D.	Renick	Winn
Gallen	Lane, J.	Scarborough	Zinkil
Glisson	Lewis	Spicola	

Nays—None

By unanimous consent Senator Wilson was recorded as voting yea.

SB 770 was laid on the table.

SB 558—A bill to be entitled An act relating to easements; amending s.704.05, Florida Statutes, providing that certain rights of entry or easements relating to mining, drilling, or exploring are rights and interests in land which may be extinguished by a marketable record title instead of limiting such rights to a 10-year period; providing certain exceptions; requiring persons claiming such rights to follow certain procedures applicable to provisions relating to marketable record titles; providing that this act shall not revive any right or interest extinguished under the marketable record title provisions; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil offered the following amendment which was moved by Senator Johnston and adopted:

Amendment 1—On page 2, line 3, strike the period at the end of the sentence and insert: ; provided however the provi-

sions of this section shall not apply to interests reserved or otherwise held by the State of Florida or by any of its agencies, boards, or departments.

Further consideration of SB 558 was deferred.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President May 28, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1339 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Nuckolls—

HB 1339—A bill to be entitled An act relating to easements; amending s.704.05, Florida Statutes, providing that certain rights of entry or easements relating to mining, drilling, or exploring are rights and interests in land which may be extinguished by a marketable record title instead of limiting such rights to a 10-year period; providing certain exceptions; requiring persons claiming such rights to follow certain procedures applicable to provisions relating to marketable record titles; providing that this act shall not revive any right or interest extinguished under the marketable record title provisions; providing an effective date.

—was read the first time by title. On motion by Senator Johnston, the rules were waived and the bill was placed on the calendar.

Special Order, continued

Consideration of SB 558 was resumed and on motion by Senator Johnston HB 1339, a companion measure was substituted therefor. On motions by Senator Johnston, by two-thirds vote HB 1339 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—25

Brantley	Graham	Peterson	Trask
Childers, D.	Hair	Poston	Ware
Deeb	Johnston	Renick	Winn
Dunn	Lane, D.	Sims	Zinkil
Firestone	Lane, J.	Spicola	
Gallen	MacKay	Thomas, J.	
Glisson	McClain	Tobiassen	

Nays—None

By unanimous consent Senators Wilson, Vogt and Myers were recorded as voting yea.

SB 558 was laid on the table.

SB 1005—A bill to be entitled An act relating to pharmacies; amending s.465.21(1), Florida Statutes; requiring the designation of a prescription department manager for a community pharmacy; requiring notification of the Florida Board of Pharmacy upon the termination or change of such manager; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following title amendment which was moved by Senator Brantley and adopted:

Amendment 1—On page 1, strike all of lines 4 through 10 and insert: 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.

Pending further consideration of SB 1005 as amended, on motion by Senator Brantley, by two-thirds vote HB 1393 was withdrawn from the Committee on Commerce and placed on the calendar. On motion by Senator Brantley—

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.

—a companion measure to SB 1005 as amended was substituted therefor and read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 1393 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Brantley	Hair	McClain	Spicola
Childers, D.	Henderson	Myers	Thomas, J.
Childers, W. D.	Holloway	Peterson	Trask
Deeb	Johnston	Plante	Ware
Dunn	Lane, D.	Poston	Winn
Firestone	Lane, J.	Renick	Zinkil
Glisson	Lewis	Scarborough	
Graham	MacKay	Sims	

Nays—None

By unanimous consent Senators Wilson, Gallen, Vogt and Tobiassen were recorded as voting yea.

SB 696 was taken up, together with:

By the Committee on Governmental Operations and Senators Plante, Saylor, J. Thomas, Spicola, Brantley, Henderson, Firestone, Renick and Gallen—

CS for SB 696—A bill to be entitled An act relating to making buildings accessible to the disabled/handicapped population of the state; providing for intent; requiring that certain buildings shall provide an accessible entrance at grade level; requiring such buildings to contain accessible restrooms where restrooms exist; requiring the provision of parking spaces; providing that rules relating to waiver of the requirements shall be established by the Florida Board of Building Codes and Standards; providing that complaints may be filed with the Board of County Commissioners or the governing body of a local governmental unit; providing for the issuance of orders for compliance; providing for appeals to the Florida Board of Building Codes and Standards; providing an effective date.

—which was read the first time by title and SB 696 was laid on the table.

On motion by Senator Plante, by two-thirds vote CS for SB 696 was read the second time by title.

Senator J. Lane moved the following amendments which were adopted:

Amendment 1—On page 2, lines 14—23, strike all of subsection (3)

Amendment 2—On page 1, lines 10 and 11, strike “requiring the provision of parking spaces”

On motion by Senator Plante, by two-thirds vote CS for SB 696 as amended was read the third time by title, passed and ordered engrossed. The vote on passage was:

Yeas—30

Mr. President	Graham	McClain	Sims
Brantley	Hair	Myers	Spicola
Childers, D.	Henderson	Peterson	Thomas, J.
Childers, W. D.	Holloway	Plante	Ware
Deeb	Johnston	Poston	Winn
Dunn	Lane, D.	Renick	Zinkil
Firestone	Lane, J.	Saylor	
Glisson	MacKay	Scarborough	

Nays—None

By unanimous consent Senators Tobiassen, Wilson, Vogt and Gallen were recorded as voting yea.

On motion by Senator Deeb, by two-thirds vote HB 914 was withdrawn from the Committees on Governmental Operations and Commerce and placed on the calendar.

On motion by Senator Ware, by two-thirds vote HB 102 was withdrawn from the Committee on Ways and Means.

SB 1131—A bill to be entitled An act relating to aquatic plants; amending s.403.271(4)-(8), Florida Statutes, and adding a new subsection to said section; requiring the Department of Natural Resources to maintain and publicize a list of those species of aquatic plants for which certain permits will not be issued; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote SB 1131 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Brantley	Hair	Peterson	Thomas, P.
Childers, D.	Henderson	Plante	Tobiassen
Childers, W. D.	Holloway	Poston	Trask
Deeb	Johnston	Renick	Ware
Dunn	Lane, D.	Sims	Winn
Firestone	Lane, J.	Spicola	Zinkil
Gordon	MacKay	Stolzenburg	
Graham	McClain	Thomas, J.	

Nays—None

By unanimous consent Senators Myers, Wilson, Vogt and Gallen were recorded as voting yea.

CS for HB 545—A bill to be entitled An act relating to podiatry; amending s.461.17, Florida Statutes, which relates to the power of the Board of Podiatry Examiners to revoke licenses, to replace the reference to the code of ethics of the Florida Podiatry Association with the code of ethics of the board; providing an effective date.

—was read the second time by title.

Senator Glisson moved the following amendments which were adopted:

Amendment 1—On page 2, line 6, strike Section 2 and insert:

Section 2. Section 461.07, Florida Statutes, is amended to read:

461.07 License; recording; displayed conspicuously; renewal; fees.—

(1) Every license shall be conspicuously displayed at the place of practice, and must be recorded in the office of the clerk of the circuit court in the county wherein the licensee practices, within 30 days of its issue. A renewal license fee set by the board and not to exceed \$75 shall be paid on January 1 annually to the Department of Professional and Occupational Regulation. In the event a practitioner fails to pay such fees and do such things necessary to obtain renewal of his license within the time herein prescribed, then said license shall be deemed delinquent and shall be renewed by the board upon payment of a delinquency fee to be set by the board not to exceed \$50, provided, however, that if such delinquency continues for a period in excess of 90 days, renewal shall be obtained only after the practitioner has shown good cause to the board for such delinquency, pursuant to notice to show cause issued by the board to said practitioner and hearing thereon pursuant to rules of procedure adopted by the board as required by F.S. s.120.57. The board may, under such circumstances, as a condition to license issuance, impose an additional delinquency fee in an amount necessary to pay the costs of such proceedings, not to exceed \$500, or a fine up to \$500, and may further require presentation of satisfactory evidence of completion of any re-required continuing education or post graduate study program if one has been previously approved by the board. Every renewal certificate shall be displayed in connection with original license. All licensees shall be designated as licensed podiatrists, and shall not bear any title or abbreviation thereof without the designation "podiatrist, diseases of foot and leg," thus indicating a limitation of professional qualifications to treat human ailments.

(2) No annual license renewal certificate shall be issued by the board for the year beginning January 1977, or thereafter, until such time as the applicant submits proof satisfactory to the board that he has attended and completed continuing professional education approved by the board, including post graduate studies, institutes, workshops, extension studies, and such other forms of continuing professional education as may be approved by the board. The annual continuing professional educational requirement is in addition to the payment of the annual license fee, and the required number of hours to be completed shall be established by the board, and shall not exceed 20 hours.

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

Amendment 2—On page 1, line 10, strike "providing an effective date" and insert: amending s.461.07, Florida Statutes, authorizing the Board of Podiatry Examiners to set a renewal license fee for practicing podiatrists, not to exceed \$75; prescribing procedures for delinquency; setting a delinquency fee; requiring pursuance of procedures adopted under section 120.57; authorizing penalties and proof of continuing educational requirements; requiring license applicants for the year 1977 and thereafter, to complete, prior to annual license renewal, certain hours of continuing professional education to be set and approved by the board; providing an effective date.

On motion by Senator Glisson, by two-thirds vote CS for HB 545 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Brantley	Graham	MacKay	Spicola
Childers, D.	Hair	McClain	Thomas, J.
Childers, W. D.	Henderson	Poston	Thomas, P.
Deeb	Holloway	Renick	Trask
Dunn	Johnston	Sayler	Ware
Firestone	Lane, D.	Scarborough	Winn
Glisson	Lane, J.	Sims	

Nays—None

By unanimous consent Senators Myers, Vogt, Gallen, Wilson and Peterson were recorded as voting yea.

On motion by Senator W. D. Childers, by two-thirds vote SB 1274 was withdrawn from the Committee on Commerce and placed on the calendar.

On motions by Senator Poston, by two-thirds vote CS for SB 686, HB 458 and SB 347 were withdrawn from the Committee on Ways and Means.

On motion by Senator W. D. Childers, by two-thirds vote HB 770 was withdrawn from the Committees on Commerce, Judiciary-Criminal and Ways and Means.

On motion by Senator P. Thomas, by two-thirds vote SB 663 was removed from the calendar and indefinitely postponed.

On motion by Senator MacKay, the House was requested to return SB 1356.

HB 1322—A bill to be entitled An act relating to drugs and prescriptions; creating §500.152, Florida Statutes, to control the distribution of complimentary drugs; providing for the disposition of certain unsuitable drugs; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 1322 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Brantley	Glisson	Johnston	Myers
Childers, D.	Graham	Lane, D.	Peterson
Childers, W. D.	Hair	Lane, J.	Poston
Dunn	Henderson	MacKay	Renick
Firestone	Holloway	McClain	Sayler

Scarborough	Thomas, J.	Trask	Wilson
Sims	Thomas, P.	Vogt	Winn
Spicola	Tobiassen	Ware	

Nays—None

By unanimous consent Senator Gallen was recorded as voting yea.

HB 541—A bill to be entitled An act relating to mental health; creating s.394.458, Florida Statutes, prohibiting persons from taking to or removing from a mental hospital certain contraband articles; providing a penalty; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal offered the following amendments which were moved by Senator Firestone and adopted:

Amendment 1—On page 1, strike all of lines 23 through 28 and insert: effect, any controlled substance as defined in Chapter 893, Florida Statutes, and any firearms or deadly weapon except as authorized by law or as specifically authorized by the person in charge of each hospital.

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

Amendment 3—On page 2, lines 3 and 4, strike “through regular channels” and insert following the word “authorized” on line 4: by law or as specifically authorized

On motion by Senator Firestone, by two-thirds vote HB 541 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Brantley	Henderson	Peterson	Thomas, P.
Childers, D.	Holloway	Poston	Tobiassen
Childers, W. D.	Johnston	Renick	Trask
Dunn	Lane, D.	Sayler	Vogt
Firestone	Lane, J.	Scarborough	Ware
Glisson	MacKay	Sims	Wilson
Graham	McClain	Spicola	Winn
Hair	Myers	Thomas, J.	

Nays—None

By unanimous consent Senator Gallen was recorded as voting yea.

HB 163—A bill to be entitled An act relating to elections; creating s.97.012, Florida Statutes, naming the Secretary of State the chief election officer; providing an effective date.

—was read the second time by title. On motion by Senator P. Thomas, by two-thirds vote HB 163 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Brantley	Henderson	Peterson	Tobiassen
Childers, D.	Holloway	Poston	Trask
Childers, W. D.	Johnston	Renick	Vogt
Dunn	Lane, D.	Sayler	Ware
Firestone	Lane, J.	Sims	Wilson
Glisson	MacKay	Spicola	Winn
Graham	McClain	Thomas, J.	
Hair	Myers	Thomas, P.	

Nays—None

By unanimous consent Senator Gallen was recorded as voting yea.

HB 747—A bill to be entitled An act relating to corporations; amending s.608.27(1)(b), Florida Statutes, 1974 Supplement, providing that with regard to voluntary dissolution of a corporation, proof of publication of the required notice of

dissolution need not come from the manager or publisher of the newspaper making notice; providing that such corporation need not prove that the corporation paid the cost of publication; providing an effective date.

—was read the second time by title. On motion by Senator Ware, by two-thirds vote HB 747 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Brantley	Henderson	Peterson	Thomas, P.
Childers, D.	Holloway	Poston	Tobiassen
Childers, W. D.	Johnston	Renick	Trask
Dunn	Lane, D.	Sayler	Vogt
Firestone	Lane, J.	Scarborough	Ware
Glisson	MacKay	Sims	Wilson
Graham	McClain	Spicola	Winn
Hair	Myers	Thomas, J.	

Nays—None

By unanimous consent Senator Gallen was recorded as voting yea.

SB 259—A bill to be entitled An act relating to the Florida School Code; amending ss.230.7591, 231.29(3) and 239.78, Florida Statutes; providing that each public school, community college and state university shall maintain limited access records on its instructional personnel; specifying individuals contributing to records; specifying those who shall have access to same; providing an effective date.

—was read the second time by title. On motion by Senator Graham, by two-thirds vote SB 259 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Brantley	Henderson	Poston	Trask
Childers, D.	Johnston	Renick	Ware
Childers, W. D.	Lane, D.	Sayler	Wilson
Dunn	Lane, J.	Scarborough	Winn
Firestone	McClain	Sims	Zinkil
Gallen	Myers	Spicola	
Gordon	Peterson	Thomas, J.	
Graham	Plante	Tobiassen	

Nays—None

By unanimous consent Senators Vogt, P. Thomas and Hair were recorded as voting yea.

SB 430 was taken up, together with:

By the Committee on Governmental Operations—

CS for SB 430—A bill to be entitled An act relating to public notice by state agencies; authorizing state agencies to advertise for bids on services or contracts in the Florida Administrative Weekly in lieu of any medium of advertising prescribed by statute; making advertising of such bids in the Administrative Weekly permissive until January 1, 1976, and mandatory thereafter; authorizing state agencies to advertise notice of vacancies in positions of employment in the Florida Administrative Weekly; amending s.120.55(1)(c), Florida Statutes, 1974 Supplement, to require the Department of State to publish in the Florida Administrative Weekly material required or authorized by law to be published therein; providing an effective date.

—which was read the first time by title and SB 430 was laid on the table.

On motions by Senator Graham, by two-thirds vote CS for SB 430 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Senator Myers moved that the Senate reconsider the vote by which HB 240 as amended passed this day.

SB 488—A bill to be entitled An act relating to fire prevention and control; adding s.633.021(12)—(17), Florida Statutes, providing definitions; amending s.633.061(6), Florida Statutes, relating to licenses and permits, removing certain exemptions; creating s.633.065, Florida Statutes, providing requirements for installation of fire protective equipment; creating the Florida Fire Safety Board; providing for certification of contractors of fire protection systems; providing fees; providing penalties; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 16, line 26, strike "September" and insert: October

Amendment 2—On page 2, lines 19 and 20, strike "who is a specialty contractor whose principal contracting business is" and insert: whose business includes

Senator Deeb moved the following amendments which were adopted:

Amendment 3—On page 15, line 23, strike "December 31, 1975" and insert: July 1, 1976

Amendment 4—On page 12, line 15, insert: (3) All persons contracting as defined herein shall register with the state fire marshal unless they are certified. Persons presently engaged in such contracting business shall register with the state fire marshal by July 1, 1976. Persons later entering the business of contracting as defined herein shall register with the state fire marshal prior to engaging in business as a contractor unless they are certified. To be registered the applicant shall file evidence of holding a current county, city or municipal occupational license as a contractor as defined herein on a form prescribed by the state fire marshal, together with evidence of successful compliance with the local examination and licensing requirements, if any, in the area for which the registration is desired, accompanied by a registration fee of Seventy-five dollars with an annual renewal fee of Fifty dollars. Registrations shall expire annually at midnight on June 30. Registration permits the registrant to engage in contracting only in the area covered by the registration.

Amendment 5—On page 3, line 16, strike period (.) and insert: comma (,) Nor shall a licensed plumbing contractor be required to be certified under this act to install standpipe systems and the following items connected thereto: overhead and underground water mains, fire hydrants and hydrant mains, hose connections, tanks and pumps, and sprinkler heads in trash chutes and in trash rooms.

Amendment 6—On page 1, line 12-13 in title, strike "providing for certification of contractors of fire protection systems" and insert: providing for certification and registration of contractors of fire protection systems

On motion by Senator Deeb, by two-thirds vote SB 488 as amended was read the third time by title, passed and ordered engrossed. The vote on passage was:

Yeas—30

Brantley	Childers, W. D.	Dunn	Gallen
Childers, D.	Deeb	Firestone	Glisson

Graham	McClain	Spicola	Vogt
Hair	Myers	Stolzenburg	Ware
Johnston	Poston	Thomas, J.	Winn
Lane, D.	Renick	Thomas, P.	Zinkil
Lane, J.	Saylor	Tobiassen	
MacKay	Sims	Trask	

Nays—1

Gordon

By unanimous consent Senator Peterson was recorded as voting yea.

CS for HB 222—A bill to be entitled An act relating to dissolution of marriage; adding a new subsection (3) to s.61.13, Florida Statutes, to define the "best interests" of the child for the purpose of determining custody of children following dissolution of a marriage; providing an effective date.

—was read the second time by title. On motion by Senator McClain, by two-thirds vote CS for HB 222 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Brantley	Graham	Poston	Tobiassen
Childers, D.	Hair	Renick	Trask
Childers, W. D.	Johnston	Saylor	Vogt
Dunn	Lane, D.	Scarborough	Ware
Firestone	Lane, J.	Sims	Winn
Gallen	McClain	Spicola	Zinkil
Gordon	Myers	Stolzenburg	

Nays—None

By unanimous consent Senators Wilson and Peterson were recorded as voting yea.

Senator Graham moved that the Senate immediately reconsider the vote by which SB 488 as amended passed this day. The motion failed.

On motion by Senator Plante, the rules were waived and the Senate immediately reconsidered the vote by which—

CS for SB 696—A bill to be entitled An act relating to making buildings accessible to the disabled/handicapped population of the state; providing for intent; requiring that certain buildings shall provide an accessible entrance at grade level; requiring such buildings to contain accessible restrooms where restrooms exist; requiring the provision of parking spaces; providing that rules relating to waiver of the requirements shall be established by the Florida Board of Building Codes and Standards; providing that complaints may be filed with the Board of County Commissioners or the governing body of a local governmental unit; providing for the issuance of orders for compliance; providing for appeals to the Florida Board of Building Codes and Standards; providing an effective date.

—as amended passed this day.

On motion by Senator Plante, the Senate reconsidered the vote by which CS for SB 696 was placed on third reading.

On motion by Senator Plante, the Senate reconsidered the vote by which Senate amendments 1 and 2 were adopted.

Amendments 1 and 2 were withdrawn by Senator Plante.

On motion by Senator Plante, CS for SB 696 was read by title, passed and certified to the House. The vote on passage was:

Yeas—31

Brantley	Graham	Peterson	Thomas, J.
Childers, D.	Hair	Plante	Thomas, P.
Childers, W. D.	Holloway	Poston	Tobiassen
Dunn	Johnston	Renick	Trask
Firestone	Lane, D.	Scarborough	Vogt
Gallen	Lane, J.	Sims	Wilson
Glisson	McClain	Spicola	Winn
Gordon	Myers	Stolzenburg	

Nays—None

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron
President of the Senate

May 27, 1975

I am directed to inform the Senate that the House of Representatives has passed HB 1117 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Pajcic and Davis—

HB 1117—A bill to be entitled An act relating to domestic relations; adding subsections (3)—(6) to s.61.181, Florida Statutes, permitting the chief judge of each circuit with the approval of the Board of County Commissioners to create a central governmental enforcement system for support, alimony, and maintenance payments; providing qualifications and duties for the administrator of the enforcement system; requiring the enforcement system to be provided with office space, clerical, and other assistance; providing funding of the depository and enforcement systems by the county; providing an effective date.

—was read the first time by title.

On motion by Senator Hair, the rules were waived and the bill was placed on the calendar.

SB 357 was taken up and on motions by Senator Hair, HB 1117, a companion measure, was substituted therefor and by two-thirds vote HB 1117 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House.

The vote on passage was:

Yeas—29

Brantley	Graham	Plante	Tobiassen
Childers, D.	Hair	Poston	Trask
Childers, W. D.	Holloway	Renick	Vogt
Deeb	Johnston	Scarborough	Ware
Dunn	Lane, D.	Spicola	Winn
Firestone	MacKay	Stolzenburg	
Gallen	Myers	Thomas, J.	
Glisson	Peterson	Thomas, P.	

Nays—1

Wilson

On motion by Senator Brantley, it was agreed that any bill temporarily deferred because of the absence of a sponsor would be placed at the end of the Special Order Calendar.

Senator Ware moved that the Senate reconsider the vote by which HB 747 passed this day.

HB 193—A bill to be entitled An act relating to eminent domain; adding paragraph (d) to subsection (1) of s.259.04, Florida Statutes, to provide that the governor and cabinet as the head of the Department of Natural Resources shall be empowered to acquire by eminent domain certain land or water areas, related resources and property; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendments which were moved by Senator Graham and adopted:

Amendment 1—On page 1, strike all of lines 26, 27 and 28 and on page 2, strike lines 1, 2, 3 and 4, and insert: *in the Volusia recharge area lying and being in Volusia County, Florida, and containing approximately 3,100 acres. This area may be more specifically described and defined by administrative action of the Department of Natural Resources.*

Amendment 2—On page 1, lines 10-11, in title, strike "certain land or water areas, related resources and property;" and insert: a certain designated area; providing limitations;

On motion by Senator Graham, by two-thirds vote HB 193 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Brantley	Hair	MacKay	Thomas, J.
Childers, W. D.	Henderson	McClain	Thomas, P.
Deeb	Holloway	Myers	Tobiassen
Dunn	Johnston	Poston	Vogt
Gallen	Lane, D.	Sayler	Wilson
Glisson	Lane, J.	Sims	Winn
Graham	Lewis	Spicola	Zinkil

Nays—4

Peterson	Plante	Renick	Trask
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On motion by Senator Gallen, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President May 29, 1975

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

SB 289 CS for SB 280

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable Dempsey J. Barron, President May 27, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2279 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representative Rish and others—

HB 2279—A bill to be entitled An act relating to the Florida Probate Code; amending various sections of chapters 731 through 735, Florida Statutes, 1974 Supplement, to provide clarification; creating ss.731.105—731.111, Florida Statutes; providing for in rem proceedings, relating to assets of nondomiciliaries; providing for adversary proceedings; providing for waivers; providing for seal of the court; providing for caveat proceedings; providing for notice to creditors; amending s.731.201, Florida Statutes, 1974 Supplement, providing definitions; amending s.731.301, Florida Statutes, 1974 Supplement, providing for notice, method, time and proof; amending s.731.303, Florida Statutes, 1974 Supplement, providing for virtual representation; and who are bound by others; amending s.732.101, Florida Statutes, 1974 Supplement, providing for evaluating the intestate estate; amending s.732.108, Florida Statutes, 1974 Supplement, providing for rights of adopted persons and children born out of wedlock; amending s.732.201, Florida Statutes, 1974 Supplement, relating to the right of an elective share; creating ss.732.205—732.215, Florida Statutes; restricting the elective share to Florida residents, determining property to be considered, determining the amount, relating to interests in addition to the elective share, relating to assets from which payable, determining who may exercise the election, effect of election, time of election, pre-existing right to dower and proceedings on the election and effect on taxes; amending s.732.401, Florida Statutes, 1974 Supplement, providing for the descent of homestead as other intestate property with exceptions; creating s.732.4015, Florida Statutes; providing when homestead may be devised; amending s.732.402, Florida Statutes, 1974 Supplement, providing that exempt property include automobiles and be a net amount; amending s.732.403, Florida Statutes, 1974 Supplement, providing that lineal descendants and ascendants are included in family allowance; amending s.732.502, Florida Statutes, 1974 Supplement,

ment, providing that the witnesses to a will and the testator must all be present at same time and repealing prohibition that interested witnesses may not take; amending s.732.508, Florida Statutes, 1974 Supplement, providing that revocation of a codicil presumes to reinstate former provisions; creating s.732.5165, Florida Statutes, relating to effect of fraud, duress, mistake; creating s.732.6005, Florida Statutes, relating to rules of construction; amending s.732.603, Florida Statutes, 1974 Supplement, providing for anti-lapse according to certain circumstances; amending s.732.801, Florida Statutes, 1974 Supplement, providing that the time for filing a disclaimer is 9 months from the event giving rise to the right to disclaim including the death of the testator; amending s.732.803, Florida Statutes, 1974 Supplement, providing for charitable devises; amending s.733.104, Florida Statutes, 1974 Supplement, providing for the filing of a claim when person dies before expiration of action against him; amending s.733.106, Florida Statutes, 1974 Supplement, providing for costs and attorney's fee relating to services rendered to an estate; amending s.733.109, Florida Statutes, 1974 Supplement, providing for filing a petition for revocation of probate; amending s.733.202, Florida Statutes, 1974 Supplement, providing for contents of petition; amending s.733.203, Florida Statutes, 1974 Supplement, providing when notice is required; amending s.733.208, Florida Statutes, 1974 Supplement, providing that a later will may not be offered after the closing of the estate; amending s.733.210, Florida Statutes, 1974 Supplement, providing for the prompt publishing of a notice of administration, providing that the period to file claims be 3 months, and excepting service on those served under s.733.211, Florida Statutes, 1974 Supplement; amending s.733.211, Florida Statutes, 1974 Supplement, providing for service before issue of letters; creating s.733.212, Florida Statutes; requiring probate before a will can be constructed; amending s.733.301, Florida Statutes, 1974 Supplement, providing preference in appointment of personal representative; amending s.733.303 and s.733.304, Florida Statutes, 1974 Supplement, providing persons who are not qualified to serve as a personal representative; amending s.733.401, Florida Statutes, 1974 Supplement, providing for issuance of letters and bond; amending s.733.403, Florida Statutes, 1974 Supplement, relating to the determination of the amount of bond depending on assets; amending s.733.504, Florida Statutes, 1974 Supplement, providing the causes of removal of a personal representative; amending s.733.612, Florida Statutes, 1974 Supplement, permitting the personal representative to employ certain persons; amending s.733.617, Florida Statutes, 1974 Supplement, providing for the determination of compensation of personal representatives and other professionals; creating s.733.619, Florida Statutes; providing individual liability of the personal representative; amending s.733.701 and s.733.702(1)(a), Florida Statutes, 1974 Supplement, providing that the claim period be reduced to 3 months; amending s.733.810, Florida Statutes, 1974 Supplement, providing for distribution in kind; amending s.733.901, Florida Statutes, 1974 Supplement, providing that a final accounting and petition for distribution and discharge shall be filed within 12 months after issuance of letters unless the time is extended by the court; amending s.735.101, Florida Statutes, 1974 Supplement, providing for family administration of estates less than \$60,000; amending s.735.103, Florida Statutes, 1974 Supplement, providing for the contents of a petition for family administration; creating s.735.107, Florida Statutes; providing for family administration distribution; amending s.735.201, Florida Statutes, 1974 Supplement, providing for summary administration for estates under \$10,000; amending s.735.203, Florida Statutes, 1974 Supplement, providing for petition for summary administration; amending s.735.206, Florida Statutes, 1974 Supplement, providing for summary administration distribution; amending s.735.209, Florida Statutes, 1974 Supplement, providing that joinder is not required in certain circumstances; amending s.735.301, Florida Statutes, 1974 Supplement, providing for disposition without administration; republishing various sections for informational purposes; repealing ss.732.202, 732.203 and 732.204, Florida Statutes, 1974 Supplement, relating to the surviving spouse's right to take elective share, preexisting right to dower and proceedings on such election; repealing s.732.602, Florida Statutes, 1974 Supplement, relating to construction that will pass all property; repealing s.733.102, Florida Statutes, 1974 Supplement, relating to vesting of devises; repealing s.733.618, Florida Statutes, 1974 Supplement, relating to expenses of estate litigation; amending s.733.705, Florida Statutes, 1974 Supplement, providing that the time period for payment of and objections to claims be reduced to four months; amending s.733.801, Florida Statutes, 1974 Supplement, providing that no personal representative is required to

deliver devises until expiration of five months instead of six months; repealing ss.733.804 and 733.807, Florida Statutes, 1974 Supplement, relating to special provisions for distribution, nonexoneration, abatement and contribution; repealing s.733.902, Florida Statutes, 1974 Supplement, relating to closing estates; discovering of will after settlement of estate; repealing ss.735.102, 735.104—735.106, Florida Statutes, 1974 Supplement, relating to family administration, administration in the same manner as other estates, administrative steps dispensed with, and petition to require administration under chapter 733, Florida Statutes; repealing ss.735.204, 735.205, 735.207 and 735.308, Florida Statutes, 1974 Supplement, relating to summary administration, testate estate, filing of petition, legal effect of order of summary administration and optional publication of notice of entry of order; providing an effective date.

—was read the first time by title. On motion by Senator Gallen, the rules were waived and the bill was placed on the calendar.

SB 1316 was taken up and on motions by Senator Gallen, HB 2279, a companion measure, was substituted therefor and by two-thirds vote HB 2279 was read the second time by title.

Senator Gallen moved the following title amendments which were adopted:

Amendment 1—On page 4, line 24, after the semicolon insert: amending s.733.701, Florida Statutes, 1974 Supplement, providing for notice to creditors;

Amendment 2—On page 4, line 15, after the semicolon insert: amending s.733.604, Florida Statutes, 1974 Supplement, providing that an inventory shall be filed in 60 days;

Amendment 3—On page 1, line 7, after the semicolon insert: amending s.731.011, Florida Statutes, 1974 Supplement, providing that an effective date shall be January 1, 1976;

On motion by Senator Gallen, by two-thirds vote HB 2279 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

SB 1316 was laid on the table.

The Honorable Dempsey J. Barron, President May 28, 1975

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

HB 1107 CS for HB 1759

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Melvin and others—

HB 1107—A bill to be entitled An act relating to the naming of state bridges; authorizing and directing the Department of Transportation to name a certain bridge which spans the Choctawhatchee River the John Creel Bridge; directing the department to prepare and locate the appropriate signs and markers; providing an effective date.

—was read the first time by title. On motion by Senator W. D. Childers, the rules were waived and the bill was placed on the calendar.

By the Committee on Finance & Taxation and Representative Tolton and others—

CS for HB 1759—A bill to be entitled An act relating to ad valorem taxation; amending s.196.199(4), Florida Statutes; providing in the case of governmental property leased or subleased to a nongovernmental lessee that the annual ad valorem tax to be paid by the nongovernmental lessee be diminished by the amount of the rent paid to any governmental lessor; providing that the 1972 and 1973 taxes shall be paid, or if already collected reimbursed to the payor, by certain governmental lessors or sublessors; providing for payment of certain 1974 and future taxes; providing that certain entities are deemed to be governmental authorities; providing an effective date.

—was read the first time by title. On motion by Senator W. D. Childers, the rules were waived and the bill was placed on the calendar.

The Honorable Dempsey J. Barron, President May 27, 1975

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

HB 1601 CS for HB 483, 484, 503, 544, 598, 679 and 999

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Melvin and Fortune—

HB 1601—A bill to be entitled An act relating to barbers' assistants; amending s.476.031, Florida Statutes, providing for registration of barbers' assistants without attainment of certain education requirements; providing for annual registration and fees; providing for transfer of registrations; limiting duties which barbers' assistants may perform; providing for revocation, suspension, and refusal to grant registration; providing an effective date.

—was read the first time by title. On motion by Senator W. D. Childers, the rules were waived and the bill was placed on the calendar.

By the Committee on Judiciary and Representative Conside and others—

CS for HB's 483, 484, 503, 544, 598, 679 and 999—A bill to be entitled An act relating to mobile home parks; amending s.83.695(2), Florida Statutes, 1974 Supplement, requiring that tenants who rent, lease, or occupy real property in a mobile home park be offered a written lease of not less than 12 months duration; adding subsection (8) to s.83.70, Florida Statutes, 1974 Supplement, prohibiting fees or other charges for invitees of mobile home park tenants; amending s.83.70(7), Florida Statutes, 1974 Supplement; prohibiting mobile home park owners and operators from reselling to tenants electricity or gas purchased from a municipally owned utility at a higher rate than that charged by the utility; amending s.83.71, Florida Statutes, 1974 Supplement, providing that the tenancy of certain mobile home purchasers may not be terminated except upon refusal to assume the remainder of the term of a written lease; providing that a purchaser may be required to move his mobile home, prior to occupancy, to a different lot size or location in the park; amending s.83.72, Florida Statutes, providing a civil remedy for violations of lease requirements under s.83.695; amending s.83.73, Florida Statutes, authorizing state attorneys and their assistants to apply for injunction upon the sworn affidavit of any mobile home owner or dweller alleging a violation by a mobile home park owner or operator of any of the provisions of s.83.695; providing an effective date.

—was read the first time by title. On motion by Senator W. D. Childers, the rules were waived and the bill was placed on the calendar.

The Honorable Dempsey J. Barron, President May 27, 1975

I am directed to inform the Senate that the House of Representatives has passed HB 2281 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representatives Rish and Becker—

HB 2281—A bill to be entitled An act relating to the Florida Guardianship Law; amending various sections of chapter 744, Florida Statutes, 1974 Supplement, to provide clarification and to correct grammar; amending s.744.102(11), Florida Statutes, 1974 Supplement; providing a definition of corporate and non-profit corporate guardianship; creating s.744.106, Florida Statutes; providing that the notice and virtual representation provision of chapter 731, Florida Statutes, 1974 Supplement, shall apply; adding subsection (3) to s.744.203, Florida Statutes, 1974 Supplement, requiring the guardian to honor an adult ward's preferences as to place and standard of living; amending s.744.301, Florida Statutes, 1974 Supplement; providing that a natural guardian may receive personal property of a child received from an estate, trust or insurance policy; amending s.744.305, Florida Statutes, 1974 Supplement; providing for a non-profit corporate guardianship; amending s.744.309, Florida Statutes, 1974 Supplement; providing when a nonresident may be appointed guardian; creating ss.744.3101, 744.3102, 744.3103, 744.3104, and 744.3106, Florida Statutes; providing for adjudication of persons mentally or physically incompetent; prescribing procedure for restoration to mental competency; providing for petition for appointment of guardian; providing for notice of hearing and voluntary guardianship; amending s.744.312, Florida Statutes, 1974 Supplement, providing for consideration of incompetent's wishes in appointment of a guardian; amending s.744.317, Florida Statutes, 1974 Supplement; providing that a bond shall be required when the amount of a net settlement exceeds \$5,000; amending s.744.321, Florida Statutes, 1974 Supplement; providing that notice of application for support to the Division of Veteran's Affairs shall be at least 15 days before a hearing on an application for support under certain circumstances; amending s.744.323, Florida Statutes, 1974 Supplement, providing for annual returns by April 1 or 90 days from termination of fiscal year of ward; creating ss.744.329 and 744.330, Florida Statutes; providing for visitors and guardian fees; amending s.744.402, Florida Statutes, 1974 Supplement; providing for waiver of bond in voluntary guardianships; providing that banks and trust companies shall not be required to file a bond; amending s.744.414, Florida Statutes, 1974 Supplement; providing the guardian may pay certain fees in the final return; amending ss.744.501 and 744.502, Florida Statutes, 1974 Supplement; providing that the election by the guardian to dissent from a will or to exercise any other choice the ward might exercise, does not require the approval of court; providing for the payment of interment and grave marker expenses with court approval; amending s.744.504, Florida Statutes, 1974 Supplement; providing the court may refuse all bids at a sale; amending s.744.505, Florida Statutes, 1974 Supplement; providing that the guardian shall not borrow from the ward; republishing various sections for informational purposes; repealing s.744.3105, Florida Statutes, 1974 Supplement; relating to the petition for appointment of guardian; repealing ss.744.324 and 744.325, Florida Statutes, 1974 Supplement, relating to examination of and objections to return; directing the Division of Statutory Revision and Indexing to reorganize chapter 744; providing an effective date.

—was read the first time by title. On motion by Senator Gallen, the rules were waived and the bill was placed on the calendar.

SB 1317 was taken up and on motion by Senator Gallen, HB 2281, a companion measure, was substituted therefor. On motions by Senator Gallen, by two-thirds vote HB 2281 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Brantley	Hair	Peterson	Tobiassen
Childers, D.	Henderson	Plante	Trask
Childers, W. D.	Holloway	Poston	Vogt
Dunn	Johnston	Renick	Ware
Firestone	Lane, D.	Saylor	Wilson
Gallen	Lane, J.	Scarborough	Winn
Glisson	McClain	Spicola	Zinkil
Gordon	Myers	Thomas, J.	

Nays—None

SB 1317 was laid on the table.

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

The Honorable Dempsey J. Barron, President May 27, 1975

I am directed to inform the Senate that the House of Representatives has passed HB 2280 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representative Rish and others—

HB 2280—A bill to be entitled An act relating to trusts; amending various sections of chapter 737, Florida Statutes, 1974 Supplement, providing clarification; amending s.737.205, Florida Statutes, 1974 Supplement, providing that the rules of civil procedure shall apply; amending ss.737.302, 737.402, Florida Statutes, 1974 Supplement, providing that a trustee shall observe the standard of care of a prudent trustee; amending s.737.306, Florida Statutes, 1974 Supplement providing an exception to the personal liability of a trustee; amending s.737.307, Florida Statutes, 1974 Supplement, providing for limitations on proceedings against trustees after annual or periodic accountings; amending s.737.604, Florida Statutes, 1974 Supplement, relating to apportionment of income to include distributions from mutual funds and dividends from saving banks and savings and loan associations; amending s.737.612, Florida Statutes, 1974 Supplement, relating to under productive property providing an allocation when net income is not at least 2 percent of the inventory value; transferring sections 737.601 through 737.615, Florida Statutes, 1974 Supplement, to chapter 738, Florida Statutes; republishing various sections for informational purposes; requiring trustee to submit a final accounting within one year from effective date of this act; providing an effective date.

—was read the first time by title. On motion by Senator Gallen, the rules were waived and the bill was placed on the calendar.

SB 1318 was taken up and on motion by Senator Gallen, HB 2280, a companion measure, was substituted therefor. On motions by Senator Gallen, by two-thirds vote HB 2280 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Brantley	Graham	Myers	Thomas, J.
Childers, D.	Hair	Peterson	Tobiassen
Childers, W. D.	Henderson	Plante	Trask
Dunn	Holloway	Poston	Ware
Firestone	Johnston	Renick	Wilson
Gallen	Lane, D.	Saylor	Zinkil
Glisson	Lane, J.	Scarborough	
Gordon	McClain	Spicola	

Nays—None

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

SB 1318 was laid on the table.

SB 173 was taken up, together with:

By the Committee on Health and Rehabilitative Services and Senators Gordon, Myers, Vogt, MacKay and Renick—

CS for SB 173—A bill to be entitled An act relating to health care facilities; creating the "Health Care Cost Containment Act of 1975"; providing for the creation of a uniform system of financial reporting for hospitals and nursing homes; providing for a subsequent system of hospital rate review and approval based on the principle of incentive reimbursement whereby budgets are established in advance of a hospital's budget period and costs are reimbursed prospectively; providing that amounts accruing from operating below budgeted costs may be retained by the hospital to serve approved community needs; providing for state assumption of responsibility for conducting a health care price control program; providing legislative findings and declaration of intent; providing defini-

tions; creating the Florida Health Care Cost Commission; providing for commission meetings, procedure and compensation; providing for commission staffing and committees; providing guidelines for the proper exercise of the rate review and approval function; providing for commission studies and data analysis; providing for commission accountability; providing for commission budget; providing for severability; providing an effective date.

—which was read the first time by title and SB 173 was laid on the table.

Senator Gordon moved the following amendment:

Amendment 1—On page 2, line 3, strike everything after the enacting clause and insert: Section 1. Short title.—This act shall be known and may be cited as the "Health Care Information Act of 1975."

Section 2. Legislative findings and declaration of intent.—The legislature hereby finds and declares that:

(1) Rising health care costs are a vital concern to the people of this state. Hospital and other health care services are fast becoming out of economic reach of the majority of the state's population.

(2) It is the mutual interest of the public and administrators and trustees of health care institutions and facilities for the state to provide an effective means to enable and motivate health care service providers to control their spiraling costs without sacrificing the quality of their services.

(3) The present system of reimbursing health care facilities encourages rising health care costs by removing incentives for efficiency in institutional management. The control of health care costs totally through a regulatory approach is not feasible because of the complexity of the health care system and the likelihood that extensive regulatory efforts would be stifling to future innovations in the delivery and financing of health care services. However, it is also recognized that the normal competitive forces at work in an economic market are greatly diminished in health care because few consumers are sufficiently informed about the products they are purchasing to make knowledgeable decisions about their own treatment.

(4) It is desirable that the state promptly and to the fullest extent possible establish an effective cost containment program with respect to institutional providers of health services. Furthermore any state involvement in efforts to contain the rate of increase of health care costs should be based to the maximum extent possible on systems which stress incentives for efficiency in management and work performance. Such incentives can be fostered by creating a state rate review commission with authority over financial disclosure and budget and prospective rate review.

(5) It is the policy of this state:

(a) To require all hospitals and nursing homes which operate in this state to utilize the uniform system of reporting promulgated by the commission created by this act, for all of the following purposes:

1. To encourage economy and efficiency in the provision of services by health care facilities to all the state's citizens and visitors.

2. To enable public agencies of the state which purchase hospital and nursing home services under, or which have administrative responsibility for, publicly financed health care plans or programs to make informed decisions in such purchasing or administration.

3. To encourage public and private third-party payors for hospital and nursing home services to take the information provided under this act into account in establishing rates of payment to assure facilities of a fair and reasonable payment for such services.

4. To provide reasonable and appropriate means to make public whether the total cost of hospital and nursing home services is reasonably related to the total services offered by such facilities; the aggregate rates of hospitals and nursing homes are reasonably related to their aggregate costs; and rates are set equitably among all purchasers or classes of purchasers of services without undue discrimination or preference.

(b) To require that every person, political subdivision of the state, or any governmental agency within the state that establishes, conducts, operates, manages, maintains, or controls in this state any hospital or nursing home comply with the provisions of this act, in order to achieve uniform and equitable statewide implementation of this act and to allow for comparisons for the performance of particular facilities subject to the provisions of this act.

Section 3. Definitions.—As used in this act:

(1) "Department" means the Department of Health and Rehabilitative Services.

(2) "Commission" means the Florida Health Care Cost Commission created by section 4 of this act.

(3) "Consumer" means any person whose occupation is other than the administration of health activities or the providing of health services, who has no fiduciary obligation to a health facility or other health agency, and who has no direct financial interest in the provision of health services.

(4) "Hospital" means an establishment as defined in Section 395.01, Florida Statutes.

(5) "Nursing home" means a facility defined in subsection (7) of Section 400.021, Florida Statutes.

(6) "State health planning agency" means the agency designated by the governor to perform the health planning and development functions prescribed by section 1523 of Public Law 93-641, the National Health Planning and Resources Development Act of 1974.

(7) "Health systems agency" or "areawide planning council" means the agency defined in subsection (3) of 381.493, Florida Statutes.

Section 4. Florida Health Care Cost Commission.—There is hereby created within the department the Florida Health Care Cost Commission. The commission shall consist of one practicing hospital administrator, one practicing nursing home administrator, one representative of the health insurance industry or of a hospital service plan licensed under chapter 641, Florida Statutes, and four consumers representing the public interest. Consumer representatives may be chosen as individual citizens or as representatives of consumer-oriented organizations which are organized under the existing laws of the state. All members shall be appointed by the governor and confirmed by the senate. Of the initial appointees, four shall be appointed for a term of two years and three shall be appointed for a term of four years. Thereafter, all appointments shall be for terms of four years each, except that vacancies shall be filled for the remainder of the unexpired term. All members of the commission may be reappointed.

Section 5. Commission meetings, procedure and compensation.—

(1) The commission shall elect from its consumer members a chairperson who shall serve a term of two years and who may be re-elected subsequently. The commission shall meet as frequently as duties require, but not less often than four times per year.

(2) The commission shall keep minutes of its meetings and shall adopt rules and regulations governing its activities according to the provisions of Chapter 120, Florida Statutes, 1974 Supplement.

(3) No action of the commission shall be effective unless a majority of its members concur therein.

(4) Members of the commission shall serve without remuneration; however members shall receive per diem and travel as prescribed in section 112.061, Florida Statutes, 1974 Supplement.

Section 6. Commission staff and committees.—

(1) The commission staff shall be furnished by the state health planning agency except that the commission may appoint a full-time or part-time director who shall serve at the pleasure of the commission. The commission shall be furnished such staff as is necessary to fulfill the responsibilities and duties assigned by this act.

(2) The commission may contract with third parties for services necessary to carry out its activities where this will

promote economy, avoid duplication of effort, and make best use of available expertise. Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility, without specific permission of the commission.

(3) The commission may apply for and receive and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to hospital and nursing home care costs.

(4) The commission may create committees from its membership, and may create such ad hoc advisory committees in specialized fields, related to the functions of hospitals and nursing homes, as it deems necessary.

Section 7. Uniform system of financial reporting; medical and clinical records.—

(1) The commission shall by rule, after consultation with appropriate professional and governmental advisory bodies and public hearings, specify a uniform system of financial reporting.

(2) All hospitals and nursing homes under the jurisdiction of or licensed by the department shall adopt the system promulgated by the commission for their fiscal year period, to be initially effective at such time and date as the commission shall direct, but no earlier than July 1, 1976. In determining the initial effective date and subsequent dates for reporting requirements, the commission shall consider both the immediate need for uniform facility reporting information to effectuate the purposes of this chapter and the administrative and economic difficulties which hospitals and nursing homes face in conversion, but in no event shall such effective date be later than January 1, 1977. The commission shall require such interim reports as it deems desirable to utilize whatever portions of the uniform system that are available prior to the effective date of this subsection.

(3) The commission shall establish procedures and requirements for the standardization of medical and clinical records maintained in hospitals and nursing homes. In developing such procedures and requirements, the commission shall seek to facilitate the use of records for the following purposes: insuring continuity of care for the patient; permitting review, study, and evaluation of the care rendered to the patient; protecting the legal rights of the patient, facility, and responsible practitioner; and providing data for use in research, including epidemiological studies.

Section 8. Uniform financial disclosure.—Every hospital and nursing home under the jurisdiction of or licensed by the department shall file with the commission within 120 days after the end of its fiscal year a certified report, in accordance with the uniform format developed by the commission, which clearly demonstrates its financial condition.

(1) The report shall include, but need not be limited to, disclosure of the following:

(a) A statement of receipts and disbursements, or revenues and expenses, during such fiscal year in accordance with generally accepted accounting principles or, as may be designated by the commission, by a classification of accounts, including, but not limited to, salaries and other benefits, operating expenses, equipment and supplies, fixed capital outlay, and all other direct and indirect disbursements allocated to each account classification;

(b) A statement of assets and liabilities at the end of the fiscal year of each hospital and nursing home, including the status of reserves, depreciation, special or other funds, to include the receipts and payments of these funds;

(c) The location of any real property owned by the hospital or nursing home;

(d) A statement of loans and investments, including names of lenders, interest, rents, and profits from the investments of the hospital or nursing home.

(e) A statement of the cost and type of services provided to persons who cannot or do not pay for such services.

(f) A statement of any advances or payment directly or indirectly by way of salary, fee, loan, gift, bonus, gratuity, drawing account, commission, or otherwise to any person, company, or other entity directly or indirectly controlled by the hospital or nursing home or any officer, director, trustee, or stockholder of the hospital or nursing home.

(g) A statement of any guaranty of a loan to, or an obligation of, any officer, director, trustee, or stockholder of the hospital or nursing home or any entity directly or indirectly controlled by such hospital or nursing home or which pays any compensation to its officers, directors, trustees, or stockholders for services provided to or on behalf of the hospital or nursing home.

(2) The commission shall require the certification of such financial reports by a public accountant or require certification from responsible officials that such reports, to the best of their knowledge and belief are accurate and have been prepared in accordance with the prescribed system of reporting specified by the commission.

(3) The commission may cause an examination or audit of a hospital or nursing home to be made at periodic intervals but not more often than annually unless with good cause. The cost of said audit will be paid out of commission funds. Attendant to this examination or audit, the commission shall have the power to issue subpoenas and subpoenas duces tecum, under penalty of contempt to facilitate a determination of the facts related thereto.

(4) The contents of all reports shall be public information and shall be available for public inspection.

Section 9. Review of hospital and nursing home rates by the commission.—

(1) From and after a date not more than 12 months after the commission specifies the uniform system of financial reporting required by section 7 of this act, the commission shall have the authority to initiate such reviews or investigations as may be necessary to inform all purchasers of hospital and nursing home services whether the total costs of hospitals and nursing homes are reasonable related to the total services offered by such facilities; a hospital's or nursing home's aggregate revenues as expressed by rates are reasonably related to the facility's aggregate costs; and rates are set equitably among all purchasers or classes of purchasers of services without undue discrimination or preference. The rate review determinations and recommendations of the commission shall be advisory in nature and not binding upon the hospitals and nursing homes so reviewed, except as provided in section 11 of this act.

(2) In order to properly discharge these duties the commission shall have the power to review at least annually the projected annual revenues of any hospital or nursing home and the rates proposed to generate that revenue. No hospital or nursing home shall charge for services at rates other than those reviewed by the commission. The schedule of rates in effect for a hospital or nursing home on January 1, 1975, shall be considered by the commission as the base rate for that hospital or nursing home. The commission is authorized and directed to recommend that a hospital or nursing home eliminate from its schedule of rates that portion of any rate beyond the base rate which is not justified by higher costs to the hospital or nursing home of furnishing the services related to such rates.

(3) In conducting rate review under this act, the commission shall consider the need for increased efficiency in hospital and nursing home operation, the need to close surplus beds or to convert them to meet unfilled needs, and the need to abandon existing services which are unnecessarily duplicative of services available in the area served by the hospital or nursing home.

(4) In addition to the other powers, duties, and functions conferred upon the commission by this act, the commission may take such action and perform such duties as may be conferred upon the state by federal law or regulation with respect to rates charged by institutional providers of health services, including hospitals and nursing homes.

Section 10. Exercise of rate review.—To properly carry out its authority the commission shall:

(1) Immediately upon the effective date of this act begin to compile all relevant financial and accounting data in order

to have available the statistical information necessary to properly conduct rate review. Such data shall include, but not be limited to, necessary operating expenses, appropriate expenses incurred for providing services to patients who cannot or do not pay, all properly incurred interest charges, and reasonable depreciation expenses based on the expected useful life of the property and equipment involved. The commission shall define and prescribe by rule and regulation the types and classes of charges which are subject to review and shall obtain from each hospital and nursing home a current rate schedule as well as any subsequent amendments or modifications of that schedule as it may require.

(2) Encourage to the maximum extent possible the development of methods of incentive reimbursement which permit a hospital to retain and spend, subject to the limitations imposed by sections 381.493 through 381.497, Florida Statutes, all or part of any savings which result when, through managerial efficiency, the facility operates at a cost below the budgeted rates prospectively established without compromising quality of care. In addition, favorable consideration should be given to programs which permit hospital or nursing home employees to share in part of any savings in operating costs which result from improved productivity.

(3)(a) In reviewing rates the commission shall consider the need for such rates to be sufficient as projected to enable the hospital or nursing home to obtain its total financial requirement from proposed operating revenues.

(b) In preparing rate filings a hospital or nursing home shall amortize its surpluses and deficits in relation to its total financial requirement over a period of not less than 1 year. Operating revenues from sources other than rates shall be projected to reduce the income acquired from rates, but shall not include funds designated by the donor as capital funds.

(c) The rates for non-profit hospitals and nursing homes should enable them to render effective and efficient services on a solvent basis. The rates for hospitals and nursing homes for profit should enable them to provide effective and efficient services and permit a fair rate of return based upon the fair value of the equity of the hospital or nursing home. The rates for governmental hospitals or nursing homes shall take into consideration the amount of tax-raised funds appropriated to the hospital or nursing home and the purposes for which the appropriations are made.

Section 11. Rate change procedure.—From and after the date determined by the commission, pursuant to section 9 of this act, no hospital or nursing home subject to the provisions of this act shall change or amend that schedule of rates and charges of the type and class which cannot be changed without prior review by the commission, except in accordance with the following procedure:

(1) Any proposal for a change in rate schedules or other charges must be filed in writing in the form and content prescribed by the commission and with such supporting data as the commission deems appropriate. No hospital or nursing home shall implement such changes except after prior notice to the commission of at least thirty days from the date the proposed rate is intended to go into effect. Upon receipt of notice, the commission may suspend the effective date of any proposed rate change if it is determined that substantive review of said rate change is required. In any such case a formal written statement of the reasons for the suspension will be promptly submitted to the hospital or nursing home. Unless suspended, a proposed change shall go into effect upon the date specified in the proposal.

(2) In any case where a proposed rate change is suspended the commission shall promptly institute proceedings to investigate and determine the reasonableness of the proposed changes. The suspension may extend for a period of not more than thirty days beyond the date the proposed change would otherwise go into effect. After the expiration of thirty days from the date the rate is intended to go into effect the new rate will go into effect. The commission shall state its findings regarding the reasonableness of the proposed rate change, including any recommendations for modifications, by that time.

(3) Such proposed changes in rates as are suspended shall be considered at a public hearing, at a time and place to be determined by the commission. The hearing shall be conducted by the commission. Evidence for and against the requested change may be introduced at the time of the hearing by any interested

party and witnesses may be heard. The hearing may be conducted without compliance with formal rules of evidence.

(4) The commission shall request an impact statement from the health systems agency in whose health service area the hospital or nursing home requesting a change in rates is located. The statement shall be provided in a form to be determined by the commission and shall include potential effects of the proposed rate change upon health care costs and health care service delivery in the area served by the hospital or nursing home.

(5) Every decision and order of the commission shall be in writing and shall state the grounds for the commission's decisions. The effects of such orders shall be prospective in nature.

Section 12. Powers of the commission.—In addition to the powers granted to the commission elsewhere in this act, the commission:

(1) Shall adopt and may amend and repeal rules and regulations respecting the exercise of the powers conferred by this act in accordance with the provisions of chapter 120, Florida Statutes, 1974 Supplement.

(2) Shall conduct investigations and require the filing of information relating to any matter affecting the cost of services in all hospitals and nursing homes subject to the provisions of this act, and may hold public hearings and subpoena witnesses, papers, records, and documents in connection therewith, the commission chairperson having authority to administer oaths or affirmations in any hearing or investigation.

(3) Shall prepare and publish such summaries, compilations or other reports as will advance the purpose of this act. All such summaries, compilations and reports shall be open to public inspection, shall be made available to requesting agencies, and shall be prepared within a reasonable time following the end of each hospital's and nursing home's fiscal year or with such greater frequency as may be specified by the commission.

(4) Shall exercise, subject to the limitations and restrictions herein imposed, all other powers which are reasonable and necessary to carry out the expressed purposes of this act, including taking such actions as are necessary to qualify for delegation of authority to perform rate review or to receive grants for the purpose of demonstrating the effectiveness of rate review as the federal government may make available to the states.

Section 13. Commission studies and data analysis.—The commission shall perform analyses and studies relating to health care costs, and shall be empowered to publish and disseminate such information, as it deems desirable in the public interest.

Section 14. Commission accountability.—On or before March 1 of each year, the commission shall prepare and transmit to the governor, the insurance commissioner and the legislature a report of commission operations and activities for the preceding year. This report shall include copies of summaries, compilations, and supplementary reports required by this act together with such facts, suggestions, and policy recommendations as the commission deems necessary. The insurance commissioner shall consider this report in the execution of his responsibilities under section 627.411(5), Florida Statutes.

Section 15. Commission budget.—The commission shall annually prepare a budget which shall include its estimated income and expenditures for administration and operation. Upon the approval of the budget by the legislature, the hospitals and nursing homes subject to this act shall be assessed the amount thereof upon an equitable basis to be determined by the commission, but not to exceed two one hundredths of one percent of each hospital's or nursing home's gross operating costs for its last fiscal year ending on or before December 31 of the preceding calendar year. The balance of the budget, if any, shall be financed from general or special appropriations, or by grants from other sources.

Section 16. Penalty.—Any hospital or nursing home which knowingly violates the provisions of this act shall be punished by a fine not exceeding one hundred (\$100.00) dollars per day in violation, to be fixed, imposed, and collected by the commission. Each day in violation shall be considered a separate offense.

Section 17. Exemption.—The provisions of this act shall not apply to any institution conducted by or for the adherents

of any well recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend exclusively upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.

Section 18. Severability.—In the event that any provision or application of this act is held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

Section 19. This act shall take effect July 1, 1975.

Senator Sims moved that CS for SB 173 be referred to the Committee on Judiciary-Criminal.

Senator J. Lane moved as a substitute motion that consideration of CS for SB 173 be deferred. The substitute motion was adopted.

The President presiding

SB 784—A bill to be entitled An act relating to industrial development financing; adding s.159.29(5), Florida Statutes, to provide that only projects for pollution control and abatement purposes may be issued in counties having a population in excess of 400,000; providing an effective date.

—was read the second time by title. On motion by Senator J. Lane, by two-thirds vote SB 784 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Glisson	Myers	Thomas, J.
Brantley	Graham	Peterson	Thomas, P.
Childers, D.	Henderson	Poston	Tobiasen
Childers, W. D.	Lane, D.	Renick	Ware
Deeb	Lane, J.	Sayler	Winn
Dunn	MacKay	Scarborough	Zinkil
Firestone	McClain	Sims	

Nays—1

Johnston

By unanimous consent Senators Trask, Hair and Vogt were recorded as voting yea.

SB 551—A bill to be entitled An act relating to the Municipal Firemen's Pension Trust Fund; amending s.175.111, Florida Statutes; requiring insurance companies insuring property within municipal limits of municipalities covered by the fund or outside of the municipal limits when covered by the municipal fire department to submit the name of the fire department protecting the insured property along with the required annual report; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, lines 7-14, strike After "March 1." "Said report shall include a notation with respect to each piece of insured property, real or personal, located within the corporate limits of each such municipality, or any real or personal property covered by a municipal fire department outside the corporate limits of the municipality, indicating which municipal fire department is responsible for protecting the insured property." and insert: Said report shall include the city code designation as prescribed by the insurance commission for each piece of insured property, real or personal, located within the corporate limits of each municipality.

Amendment 2—On page 2, lines 3, 4, 5, strike " , or any real or personal property covered by a municipal fire department outside the corporate limits of the municipality."

Amendment 3—On page 1, lines 8-12, strike After the word "fund" "or outside of the municipal limits when covered by the municipal fire department to submit the name of the fire department protecting the insured property along with" and insert: to include the city code designations of the insured property in

On motion by Senator J. Thomas, by two-thirds vote SB 551 as amended was read the third time by title, passed and ordered engrossed. The vote on passage was:

Yeas—28

Mr. President	Hair	Myers	Thomas, J.
Brantley	Henderson	Peterson	Tobiassen
Childers, D.	Holloway	Poston	Vogt
Dunn	Johnston	Renick	Ware
Firestone	Lane, D.	Saylor	Wilson
Glisson	Lane, J.	Scarborough	Winn
Graham	McClain	Sims	Zinkil

Nays—None

On motion by Senator Poston, by two-thirds vote HB 1384 was withdrawn from the Committees on Transportation and Ways and Means and placed on the calendar.

SB 1050 was taken up and on motion by Senator Poston—

HB 1384—A bill to be entitled An act relating to outdoor advertising; adding ss.(11) to s.479.01, F.S., providing a definition of an "urban area;" amending s.479.11, F.S., by adding a new subsection (2) thereto, providing for prohibition of certain signs located beyond 660 feet of the nearest edge of the road right-of-way; amending s.479.111(1), F. S., to include certain notices as a type of permissible sign; amending the introductory paragraph and subsection (17) of s.479.16, F.S., to redesignate section references; amending s.479.24(3), F.S., and adding subsection (6), deleting the hiatus period and providing for compensation for removal of certain signs; providing an effective date.

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

Senator Poston moved the following amendments which were adopted:

Amendment 1—On page 2, strike lines 16—18 and insert: *traveled ways of such system, unless it is of a class or type permitted in s.479.111(1), or 479.16(1), (3).*

Amendment 2—On page 3, strike lines 24—30 and insert: *(6) Lawfully erected outdoor advertising signs, displays, or devices prohibited by s.479.11(2) shall be removed upon the payment of just compensation. Notwithstanding any other provisions of this chapter, compensation shall be in the same manner and subject to the same limitations as signs lawfully erected prior to July 1, 1971, within 660 feet.*

Senator Sims moved the following amendments which were adopted:

Amendment 3—On page 3, between lines 28 and 29, insert: Section 5. Section 335.145, Florida Statutes, is created to read:

335.145 General Motorist Services Signs, Fee Schedules.—

The department may by rule pursuant to chapter 120, Florida Statutes, establish a fee schedule to be charged for the costs of placing general motorist services signs on the right-of-way of limited access highways outside urban or urbanized areas in accord with the manual of uniform traffic control devices, 1971. Such costs shall be limited to sign materials and installation.

(Renumber subsequent section.)

Amendment 4—On page 1, strike all of line 17 and insert: signs; creating s.335.145, Florida Statutes; authorizing fees for the cost of placing general motorist services signs on limited access highways outside urban or urbanized areas; providing an effective date.

On motion by Senator Poston, by two-thirds vote HB 1384 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

By unanimous consent Senator Trask was recorded as voting yea.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

May 29, 1975

I am directed to inform the Senate that the House of Representatives has amended Senate Amendments 1 and 2, concurred in same as amended and passed HB 2040, as amended, 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.

House Amendment to Senate Amendment 1—Section 5 of the Amendment insert: Section 5. Sections 119.11 and 119.12, Florida Statutes, are created to read:

119.11 Accelerated hearing; immediate compliance.—

(1) Whenever an action is filed to enforce the provisions of this chapter, the court shall set an immediate hearing, giving the case priority over other pending cases.

(2) Whenever a court orders an agency to open its records for inspection in accordance with this chapter, the agency shall comply with such order within 48 hours unless otherwise provided by the court issuing such order or unless the appellate court issues a stay order within such 48-hour period. The filing of a notice of appeal shall not operate as an automatic stay.

(3) A stay order shall not be issued unless the court determines that there is substantial probability that opening the records for inspection will result in significant damage.

119.12 Attorney's fees.—

(1) Whenever an action has been filed against an agency to enforce the provisions of this chapter and the court determines that such agency unreasonably refused to permit public records to be inspected, the court shall assess a reasonable attorney's fee against such agency.

(2) Whenever an agency appeals a court order requiring it to permit inspection of records pursuant to this chapter and such order is affirmed, the court shall assess a reasonable attorney's fee for the appeal against such agency.

Section 6. This act shall take effect July 1, 1975.

House Amendment to Senate Amendment 2—On page 1, line 22 of the title, insert: 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;

On motions by Senator Dunn, the Senate refused to concur in the House amendments to the Senate Amendments to HB

2040, and the House was requested to recede therefrom. The action, with the bill and amendments, was certified to the House.

Special Order, continued

HB 1224—A bill to be entitled An act relating to plant industry; adding subsection (25) to s.581.031, Florida Statutes, authorizing the Department of Agriculture and Consumer Services to cooperate with others in the development and distribution of methods of plant disease control, and to accept remuneration or royalties for its services or contributions; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote HB 1224 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Graham	Myers	Thomas, J.
Brantley	Henderson	Peterson	Tobiassen
Childers, D.	Holloway	Poston	Vogt
Childers, W. D.	Johnston	Renick	Ware
Firestone	Lane, D.	Sayler	Wilson
Gallen	Lane, J.	Sims	Winn
Gordon	McClain	Spicola	Zinkil

Nays—None

By unanimous consent Senators Trask and Hair were recorded as voting yea.

On motion by Senator Tobiassen, unanimous consent was obtained to resume consideration of—

CS for HB's 22, 62 and 116—A bill to be entitled An act relating to cruelty to animals; creating s.828.122, Florida Statutes; providing definitions; making it unlawful for persons to keep, use, encourage, or to make available any site for the fighting or baiting of animals; providing a penalty; providing for seizure and disposition of such animals as well as animals mistreated under the provisions of s.828.12, Florida Statutes; creating s.828.123, Florida Statutes; making it unlawful for persons to bet on or attend any fighting or baiting of animals; providing a penalty; providing that this act shall not be applicable to violations of the prohibition against conducting simulated bullfighting exhibitions; providing an effective date.

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

Amendment 1A—On page 3, after line 21, insert: (f) Any person using gamecocks in cockfighting exhibitions where the natural spur of the gamecock does not exceed 22 millimeters in length.

—failed. The question recurred on Amendment 1A which was adopted.

Amendment 1 as amended was adopted.

On motion by Senator Tobiassen, by two-thirds vote CS for HB's 22, 62 and 116 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Graham	Poston	Trask
Brantley	Henderson	Renick	Vogt
Childers, D.	Holloway	Sayler	Wilson
Childers, W. D.	Johnston	Scarborough	Winn
Firestone	Lane, D.	Sims	Zinkil
Gallen	Lane, J.	Spicola	
Glisson	McClain	Thomas, J.	
Gordon	Myers	Tobiassen	

Nays—None

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

SB 61—A bill to be entitled An act relating to the Florida Transportation Code; amending s.334.062, Florida Statutes; pro-

viding that there shall be a minimum of five field operation districts; providing that the secretary may revise the boundaries of the field operation districts; providing an effective date.

—was read the second time by title.

Senator Holloway moved the following amendments which were adopted:

Amendment 1—On page 1, strike lines 18-25 and insert: 334.062 For the purpose of improving operational efficiency, economy and effectiveness, the Florida Department of Transportation shall, prior to January 1, 1976, submit to the Legislature for its consideration a plan for the revision of the district boundaries.

Amendment 2—On page 1, strike lines 6-10, and insert: that the Florida Department of Transportation shall, prior to January 1, 1976, submit to the Legislature a plan to revise the boundaries of the field operation districts;

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President May 28, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 738 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Transportation and Representative Nelson—

CS for HB 738—A bill to be entitled An act relating to the Florida Transportation Code; amending s.334.062, F. S., providing that the Florida Department of Transportation shall, prior to January 1, 1976, submit to the Legislature a plan to revise the boundaries of the field operation districts; providing an effective date.

—was read the first time by title. On motion by Senator Holloway, the rules were waived and the bill was placed on the calendar.

Special Order, continued

On motions by Senator Holloway, CS for HB 738, a companion measure, was substituted for SB 61 as amended, and by two-thirds vote was read the second time by title.

Senators Poston, Gallen and Henderson offered the following amendments which were moved by Senator Poston and adopted:

Amendment 1—On page 1, line 22, strike Section 2 and insert: Section 2. Subsection (2) of section 337.34, Florida Statutes, is amended to read:

337.34 Completion of interstate highway system.—

(2) The department is authorized and directed to make repayment of any funds which may be appropriated to the department from the general revenue fund for interstate highway purposes upon application for and receipt of funds acquired under s.115 of Title 23 of the U.S. Code as amended. No general revenue funds appropriated for interstate highway purposes may be expended until an agreement has been signed with the federal government, providing for repayment of such funds on a 90-10 matching basis. Full reimbursement of the federal share of the loan shall be made by the federal government upon completion of the interstate highway system in Florida not later than June 30, 1983.

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

Amendment 2—On page 1, line 9, insert: amending s337.34-(2), Florida Statutes; providing that full reimbursement of the federal share of the loan for interstate highway purposes be made to the General Revenue Fund upon completion of the interstate highway system in Florida;

On motion by Senator Holloway, by two-thirds vote, CS for HB 738 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Gordon	Poston	Thomas, J.
Brantley	Henderson	Renick	Trask
Childers, D.	Holloway	Sayler	Vogt
Childers, W. D.	Johnston	Scarborough	Ware
Firestone	Lane, J.	Sims	Wilson
Gallen	McClain	Spicola	Winn
Glisson	Myers	Stolzenburg	Zinkil

Nays—None

By unanimous consent Senator Hair was recorded as voting yea.

HB 588—A bill to be entitled An act relating to the state highway system; creating s.335.18, Florida Statutes, requiring the Department of Transportation to regulate all connections to the state highway system; requiring the department to issue a permit prior to the construction or alteration of a connection; authorizing the department to deny access to the state highway system; requiring the permittee to bear certain costs; providing an effective date.

—was read the second time by title.

Senator Poston moved the following amendment which was adopted:

Amendment 1—On page 1, strike lines 23-29 and insert: in traffic carrying capacity. If the traffic patterns, points of connection, roadway geometrics, or traffic control devices are causing undue disruption of traffic or creating safety hazards at existing connections or are expected to cause such disruption or hazards at proposed connections, the department shall have the authority to deny or require redesign of a proposed connection at a specific location or require redesign of an existing connection.

On motion by Senator Poston, by two-thirds vote HB 588 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

On motion by Senator Brantley, the rules were waived and time of adjournment was extended until completion of the special order calendar or 9:00 p.m., plus the additional time required to take action on executive appointments.

SB 1109—A bill to be entitled An act relating to transportation; adding s.337.13(3), Florida Statutes; amending s.337.14(1), Florida Statutes; providing that the Department of Transportation may certify applicants to bid on contracts not to exceed \$100,000; providing an effective date.

—was read the second time by title. On motion by Senator Zinkil, by two-thirds vote SB 1109 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Firestone	Graham	Lane, J.
Brantley	Gallen	Henderson	McClain
Childers, D.	Glisson	Johnston	Myers
Childers, W. D.	Gordon	Lane, D.	Peterson

Poston	Spicola	Vogt	Winn
Renick	Thomas, J.	Ware	Zinkil
Sayler	Tobiassen	Wilson	
Sims	Trask		

Nays—None

By unanimous consent Senator Hair was recorded as voting yea.

SB 124—A bill to be entitled An act relating to drivers' licenses; amending ss.322.121, 322.18(2)—(4), (7), 322.21, Florida Statutes; eliminating the 2-year license; providing for license expiration on the licensee's birthday; requiring reexamination for each license renewal; repealing s.322.031(2), (3), Florida Statutes, relating to issuance and fee for fractional year license; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendment which was moved by Senator Poston and adopted:

Amendment 1—On page 7, strike lines 28 through 31 and on page 8, strike lines 1 through 3 and insert: (6) Any member of the armed forces or his immediate family, defined as spouse, daughter, son, step-daughter, step-son, holding a Florida drivers license who presents an affidavit showing they were out of the state due to service in the armed forces of the United States at the time of license expiration is exempt from the delinquent fee if renewal is applied for within ninety days of the date of discharge or transfer to a military or naval establishment in this state as shown in the affidavit.

The Committee on Ways and Means offered the following amendments which were moved by Senator Poston and adopted:

Amendment 2—On page 3, strike lines 7—12 and insert: (2) Every applicant who is entitled to the issuance of a ~~an original~~ driver's license, as provided in this section, shall be issued a ~~have the option of purchasing either a 2 year or a 4 year~~ driver's license, as follows:

(a) Applicants applying for an original issuance during the 30-day period ending at midnight of the applicant's birthday shall be issued a driver's license which expires at midnight of the first birthday of the licensee which occurs on or after the fourth anniversary of the date of issue.

(b) Applicants applying for an original issuance on any date other than the period specified in (a) above shall be issued a driver's license which expires at midnight of the first birthday of the licensee which occurs after the third anniversary of the date of issue.

(c) Applicants applying for a renewal issuance shall be issued a driver's license which expires at midnight on the fourth anniversary of the expiration date shown on the license being renewed.

Amendment 3—On page 3, line 3, insert new Section 2 and renumber all succeeding sections throughout page 8: Section 2. Section 322.17,(1) and (2) F.S. is amended to read: 322.17 Duplicate and replacement certificates.—

(1) In the event that an instruction permit or operator's or chauffeur's license issued under the provisions of this chapter is lost or destroyed, the person to whom the same was issued may, upon payment of \$2.50, obtain a duplicate, or substitute thereof, upon furnishing proof satisfactory to the department that such permit or license has been lost or destroyed, and further furnishing the full name, date of birth, ~~either~~ proof of birth as provided in s.232.03 ~~or social security number~~, sex, and residence address to the department.

(2) Upon the surrender of the original license and the payment of a \$1 replacement fee, the department shall issue a replacement to make a change in name, address or restrictions.

Amendment 4—On page 1, strike line 5 and insert: ss.322.-121, 322.17(1) and (2), 322.18(2)—(4), (7), 322.21, Florida

On motion by Senator Poston, by two-thirds vote SB 124 as amended was read the third time by title, passed and ordered engrossed. The vote on passage was:

Yeas—29

Mr. President	Gordon	Myers	Thomas, J.
Brantley	Graham	Peterson	Tobiassen
Childers, D.	Hair	Poston	Trask
Childers, W. D.	Henderson	Renick	Winn
Dunn	Holloway	Sayler	Zinkil
Firestone	Johnston	Scarborough	
Gallen	Lane, J.	Sims	
Glisson	McClain	Stolzenburg	

Nays—None

On motion by Senator Brantley, all bills passed this day were ordered immediately certified to the House unless otherwise requested by the sponsor in writing to the Secretary of the Senate.

On motion by Senator Brantley, the Senate recessed at 5:00 p.m. to reconvene at 6:00 p.m.

NIGHT SESSION

The Senate was called to order by the President at 6:00 p.m.

A quorum present—37:

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

REPORT OF COMMITTEE

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order Calendar for Thursday, May 29, 1975, at 6:00 p.m.:

SB 554	CS/HB 782	SB 658	SB 1121
SB 1017	HB 770	SB 868	SB 756
HB 1357	SB 1202	HB 2284	SB 758
SB 223	SB 1055	SB 1127	SB 1268
SB 51	SB 226	HB 102	HB 1386
SB 592	SB 809	CS for SB 245	
HB 808	SB 880	SB 1122	

Respectfully submitted,
Lew Brantley, Chairman

On motion by Senator Myers, by two-thirds vote CS for HB 1572 was withdrawn from the Committees on Governmental Operations and Ways and Means.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President May 29, 1975

I am directed to inform the Senate that the House of Representatives has passed SB 440.

Allen Morris, Clerk

The bill contained in the above message was ordered enrolled.

The Honorable Dempsey J. Barron, President May 27, 1975

I am directed to inform the Senate that the House of Representatives has passed CS for HB 70 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representative Richard and others—

CS for HB 70—A bill to be entitled An act relating to proceedings in eminent domain; amending ss.73.091 and 73.131(2),

Florida Statutes, placing certain restrictions upon the amounts of attorneys' fees to be assessed in such proceedings, other than inverse condemnation proceedings, and in appeals from such proceedings; 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 28, 1975

I am directed to inform the Senate that the House of Representatives has passed HB 358 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hutto—

HB 358—A bill to be entitled An act relating to landlord and tenant; amending s.83.49(3)(b), Florida Statutes; requiring the balance of a tenant's security deposit to be refunded within 30 days after the landlord's notice of intention to impose a damage claim, when the tenant fails to timely object to such claim; 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 27, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 562 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representative Richard and others—

CS for HB 562—A bill to be entitled An act relating to civil litigation; creating s.57.105, Florida Statutes; providing that a court may award attorney's fees when it finds that a civil action or an appeal has been filed frivolously or vexatiously; 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 27, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended—CS for HB's 694 and 975 and requests the concurrence of the Senate.

Allen Morris, Clerk

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

CS for HB's 694 & 975—A bill to be entitled An act relating to tidal wetlands; providing for the management and protection of such lands; providing legislative intent; providing definitions; providing for the establishment of permit lines; requiring permits from the Department of Natural Resources prior to altering tidal wetlands in a certain manner; providing exceptions; providing for a filing fee; providing for access; providing penalties; providing injunctive relief; providing for the promulgation of rules; providing for interim protection of tidal wetlands; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation, Judiciary-Criminal and Ways and Means.

The Honorable Dempsey J. Barron, President May 27, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 937 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hector and others—

HB 937—A bill to be entitled An act relating to state-owned office buildings; providing for a fee schedule for the rental of

space occupied by state agencies and other occupants in state-owned office buildings; providing an exception; providing that copies thereof be furnished to state agencies and the legislature; providing for assessment, collection and deposit of rental fees; providing an effective date.

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

The Honorable Dempsey J. Barron, President May 27, 1975

I am directed to inform the Senate that the House of Representatives has passed HB 1183 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative James—

HB 1183—A bill to be entitled An act relating to salt water conservation; prohibiting the taking of salt water fish by any means other than hook and line within 300 feet seaward from the mean low water line on the public beaches of the City of Boca Raton; 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 28, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1283 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Smith and others—

HB 1283—A bill to be entitled An act relating to transportation; authorizing Florida's participation in the Multi-Mode Transportation Corridor Advisory Board; providing an appropriation; providing for appointment of board representatives; 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 27, 1975

I am directed to inform the Senate that the House of Representatives has passed HB 1641 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Foster—

HB 1641—A bill to be entitled An act relating to livestock at large; amending s.588.13(4), Florida Statutes; enlarging the definition of "public roads" for purposes of the fence law to include county maintained roads in addition to Department of Transportation maintained roads; providing an effective date.

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

The Honorable Dempsey J. Barron, President May 28, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1812 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Culbreath—

HB 1812—A bill to be entitled An act relating to school pedestrian crossing guards and school safety patrol; amending section 316.184(8), Florida Statutes, 1974 Supplement, removing the requirement for retroreflective devices; providing an effective date.

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

The Honorable Dempsey J. Barron, President May 28, 1975

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

HB 179 CS for HB 874

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Rish and others—

HB 179—A bill to be entitled An act relating to alcoholic beverages; creating s.396.181, Florida Statutes, which creates the Florida State Alcoholic Rehabilitation Trust Fund to be administered by the Department of Health and Rehabilitative Services; amending s.561.12, Florida Statutes; providing that 12 percent of the revenue collected from the excise tax on alcoholic beverages containing between 14 percent and 48 percent of alcohol by weight, except wines, shall be deposited in the Alcoholic Rehabilitation Trust Fund, and the remainder shall be paid into the General Revenue Fund; amending s.565.12(1)(a) and (2)(a), Florida Statutes, increasing the excise tax on such alcoholic beverages; providing an effective date.

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

By the Committee on Appropriations and Representative Craig and others—

CS for HB 874—A bill to be entitled An act relating to state agencies; creating the Florida Economic Impact Disclosure Act of 1975; providing legislative intent; providing definitions; requiring every agency, in advance of any agency action, to prepare an economic impact statement along specified lines; requiring agencies to make an economic impact statement a part of the record in proceedings relative to agency action under the Administrative Procedure Act; authorizing specified elected officials to request economic impact statements from agencies; providing exemptions; providing for judicial review; providing an effective date.

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

The Honorable Dempsey J. Barron, President May 28, 1975

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

HB 45 HB 553 HB 1560

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Ogden—

HB 45—A bill to be entitled An act relating to public agency records; requiring each agency which registers or licenses corporations, partnerships, or other business entities to include within its numbering system the federal employer's identification number and to maintain a cross reference of its system to such number; permitting any agency to utilize a dual numbering system subject to specified conditions; providing the Department of State shall keep a registry of federal employer's identification numbers; providing an effective date.

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

By Representative Hazelton—

HB 553—A bill to be entitled An act relating to public buildings; creating s.823.065, Florida Statutes, requiring that each door of double or multiple door units at entrances to public buildings be kept unlocked while the building is open to the public so as to facilitate escape from inside in case of fire; providing a penalty; providing an effective date.

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

On motion by Senator Brantley, by two-thirds vote HB 2230 was withdrawn from the Committee on Commerce and placed on the calendar.

On motion by Senator Brantley, unanimous consent was obtained to take up HB 2230 out of order. On motions by Senator Brantley, by two-thirds vote HB 2230 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Henderson	Plante	Thomas, P.
Brantley	Holloway	Poston	Tobiasen
Childers, D.	Lane, D.	Saylor	Vogt
Deeb	Lane, J.	Scarborough	Wilson
Firestone	Lewis	Sims	Winn
Gordon	McClain	Spicola	Zinkil
Hair	Peterson	Thomas, J.	

Nays—1

Johnston

The Honorable Dempsey J. Barron, President May 28, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 658 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Grosse—

HB 658—A bill to be entitled An act relating to mental hospitals; creating s.394.4785, Florida Statutes, establishing a cemetery at Northeast Florida State Hospital, Macclenny, Baker County, for the burial of unclaimed bodies of deceased patients or cremation of same; 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 28, 1975

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

HB 689 HB 1047 HB 1745

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Williamson and Haben—

HB 689—A bill to be entitled An act relating to public defender; amending subsection (1) of s.27.52, Florida Statutes, providing that the Department of Legal Affairs shall promulgate an affidavit form for the provision of certain information; such affidavit to be filed with the court by all accused persons claiming insolvency; providing an effective date.

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

By Representative Fontana—

HB 1047—A bill to be entitled An act relating to law enforcement; adding subsection (4) to s.112.531, Florida Statutes, 1974 Supplement, defining "interrogation"; amending s.112.532(1)(d), (2) and (3), Florida Statutes, 1974 Supplement, relating to law enforcement officers' rights; providing for complaints of a criminal nature; providing for hearing procedure; providing for suits against employing agency; providing an effective date.

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

By the Committee on Criminal Justice—

HB 1745—A bill to be entitled An act relating to automobile race meets; amending section 549.04, Florida Statutes; providing for payment of sheriff's fees; providing an effective date.

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

The Honorable Dempsey J. Barron, President May 28, 1975

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

HB 611 HB 1902 HB 2225

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Gersten

HB 611—A bill to be entitled An act relating to the sales and use tax; amending s.212.08(7)(h), Florida Statutes, providing for the issuance of a consumer's certificate of exemption to blind persons to allow them to rent or purchase guide dogs and to purchase certain items for guide dogs without paying a sales tax thereon; repealing s.212.083, Florida Statutes, relating to the current procedure whereby blind persons must apply for a refund of taxes paid on exempt items; requiring the Department of Revenue to make rules with respect to the consumer's certificate of exemption; providing an effective date.

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

By Representative Craig and others—

HB 1902—A bill to be entitled An act relating to the Bureau of Blind Services of the Division of Vocational Rehabilitation of the Department of Health and Rehabilitative Services; appropriating funds from the state general revenue fund to include blind vending stand operators under the Bureau in the Florida Retirement System for fiscal year 1975-1976; providing an effective date.

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

By the Committee on Commerce—

HB 2225—A bill to be entitled An act relating to apprenticeship programs; amending s.446.101(2)(e), Florida Statutes, removing the inclusion of suppliers from labor standards for ratios of apprentices or trainees to journeymen on state, county, or municipal contracts; 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 28, 1975

I am directed to inform the Senate that the House of Representatives has passed HB 1356 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Haben and Moffitt—

HB 1356—A bill to be entitled An act relating to minors; amending s.743.06, Florida Statutes of 1973; providing that any minor who has reached the age of 17 years may give consent to the donation of his blood and to the penetration of tissue which is necessary to accomplish such donation without the prior consent of the parent or parents of such a minor; 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 27, 1975

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

CS for HB 1979 CS for HB's 522 & 1192

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Governmental Operations and Representative Hector—

CS for HB 1979—A bill to be entitled An act relating to the Administrative Procedure Act; adding a new subsection (6) to s.120.52, Florida Statutes, 1974 Supplement, defining "educational units"; amending s.120.53(1)(d), Florida Statutes, 1974 Supplement, to provide agenda rules for special meetings of the school board; amending s.120.54(1), Florida Statutes, 1974 Supplement, adding a new subsection (12) thereto, and amending subsections (3), (8)(a), (9), (10), and (11) of said section; requiring an estimate of the economic impact of a proposed rule; providing notice procedures for educational units; providing that notice of intended action by educational units shall not be published in the Florida Administrative Weekly or transmitted to the Committee; deleting the requirement that copies of all rules be filed with the Division of Administrative Hearings of the Department of Administration; providing that the director of such division shall determine if petitions meet statutory requirements and shall assign a hearing officer; providing that the hearing officer's order is final agency action; requiring publication of emergency rules in the first available issue of the Florida Administrative Weekly; providing that agency rules which modify the model rules shall be in substantial compliance with the model rules; providing for notification of objection by the committee; providing that three copies of the rules be timely filed; deleting the provision that school districts and community college districts are exempt from subsection 10(a); deleting the requirement that copies be sent to the President of the Senate and the Speaker of the House; requiring that disapproval of a rule by the committee be filed with the Department of State and be published in the Florida Administrative Weekly; amending s.120.55(1)(b), Florida Statutes, 1974 Supplement, and adding a new paragraph (c) to subsection (3) of said section; providing that rules of limited geographical application shall be indexed and made available by each educational unit, at least annually; requiring distribution of certain publications to the Administrative Procedures Committee; amending s.120.56, Florida Statutes, 1974 Supplement, to remove references to declaratory statements and to conform to the provisions of s.120.54(3), Florida Statutes, as amended by this act; creating s.120.565, Florida Statutes, to provide for declaratory statement; amending s.120.57, Florida Statutes, 1974 Supplement; providing a time within which a hearing shall be granted or denied; providing for waiver of notice; deleting provisions relating to hearing officers other than those of the Division of Administrative Hearings; providing for petitions or requests for hearings and for hearing officers; defining the contents of the record; providing for presentation of oral evidence in informal proceedings; adding matters officially recognized to the record; providing that a hearing officer shall conduct all informal proceedings within the Department of Professional and Occupational Regulation; providing that notice of the right to hearings pursuant to s.120.57(1) and (2), Florida Statutes, 1974 Supplement, shall be made before any informal disposition becomes final; amending s.120.58(1), Florida Statutes, 1974 Supplement, limiting the application of paragraph (a) of said subsection; providing per diem and travel and witness fees; amending s.120.59(3), Florida Statutes, 1974 Supplement, to provide that final orders are reviewable under certain circumstances; amending s.120.65(2), Florida Statutes, 1974 Supplement, and adding new subsections (3) and (4) to said section, to provide for designation of hearing officers; amending s.120.66(1), Florida Statutes, 1974 Supplement, to define ex parte communications in relation to rulemaking under s.120.54; amending s.120.72(4)(a), Florida Statutes, 1974 Supplement, to provide that certain rules not adopted following a public hearing shall be repealed; creating s.120.73, Florida Statutes, to provide that this chapter shall not supersede chapter 86, Florida Statutes, and requiring reinstatement of certain agency actions; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By the Committee on Health & Rehabilitative Services and Representatives Mixson and Hector—

CS for HB's 522 & 1192—A bill to be entitled An act relating to mental health; amending s.394.467(3)(a), Florida Statutes, 1974 Supplement, relating to procedure for hearing on involuntary hospitalization; amending s.394.467(3)(a), Florida Statutes, 1974 Supplement, providing for a person subject to civil commitment the right to notice of hearing and the right to be present and put on a defense; providing for counsel to have access to hospital records and staff in defending his client; providing for the patient to have the right to independent expert examiners; adding paragraph (h) to s.394.467(4), Florida Statutes, 1974 Supplement; providing a procedure for release of persons committed to a state mental hospital pursuant to rule 3.460, Florida Rules of Criminal Procedure, which includes a hearing before a hearing examiner if the state attorney requests it and an appeal procedure; provides legislative purpose; repeals language of rule 3.460, Florida Rules of Criminal Procedure, which gives courts continuing authority over persons committed to mental hospitals pursuant to rule 3.460, and prevents the release of such persons without an order from the committing court; providing an effective date.

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

The Honorable Dempsey J. Barron, President May 27, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended—HB 763 HB 772

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Growth & Energy and Representative Tolton and others—

HB 763—A bill to be entitled An act relating to energy conservation; directing the department of general services to promulgate rules and regulations for the implementation of energy conservation programs in public buildings; requiring that public entities develop programs of operation and maintenance which promote energy conservation; requiring approval by the department of general services of such programs; requiring implementation of such programs; providing for severability; providing an effective date.

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

By the Committee on Growth & Energy and Representative Tolton and others—

HB 772—A bill to be entitled An act relating to the Florida Energy Conservation in Buildings Act of 1974, ss. 255.251 through 255.256, Florida Statutes, created by chapter 74-187, Laws of Florida; creating new s.255.2545, Florida Statutes; providing for the performance of energy life cycle cost analysis on selected existing state facilities; providing an effective date.

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

The Honorable Dempsey J. Barron, President May 27, 1975

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

CS for HB 542 HB 1969

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Growth & Energy and Representative Dyer and others—

CS for HB 542—A bill to be entitled An act relating to the regulation of public utilities; adding subsection (5) to s.366.06, Florida Statutes, 1974 Supplement, requiring utilities to file monthly affidavits regarding fuel adjustment and purchased power cost recovery clauses; providing quarterly hearings by the Public Service Commission, specifying certain actions to be taken at hearings; prohibiting the inclusion within the rate schedule of any public utility a cost recovery clause of any

type except a fuel cost, purchased power or franchise tax cost recovery clause; providing an effective date.

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

By the Committee on Growth & Energy and Representatives Moffitt and Brown—

HB 1969—A bill to be entitled An act relating to the Public Service Commission; amending s.323.15(6), Florida Statutes, adding those fees imposed by chapter 323, Florida Statutes, to the fees that are not in lieu of the road tax provided for by this section; 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 27, 1975

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

HB 769 **HB 2002** **HB 1274**

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Growth & Energy and Representatives Moffitt and Brown—

HB 769—A bill to be entitled An act relating to the Public Service Commission public counsel; creating s.350.061(4), Florida Statutes, relating to location of offices; creating s.350.0611(6), Florida Statutes, authorizing counsel to advise and assist individuals in certain instances; amending section 350.58, Florida Statutes, to eliminate the Public Service Commission's annual report to the governor; repealing s.350.0612, Florida Statutes, which provides for location of offices; providing an effective date.

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

By the Committee on Growth & Energy and Representatives Brown and Moffitt—

HB 2002—A bill to be entitled An act relating to the Public Service Commission Regulatory Jurisdiction; establishing Title XXV as the "PSC Code"; transferring part of chapter 323, Florida Statutes, pertaining to common carriers and freight forwarding to Title XXV, chapter 352, Florida Statutes; transferring part of chapter 330, Florida Statutes, dealing with the regulation of aircraft by the state to Title XXV, chapter 353, Florida Statutes; transferring part of chapter 347, Florida Statutes, pertaining to toll bridges to Title XXV, chapter 354, Florida Statutes; transferring part of chapter 350, Florida Statutes, pertaining to railroads to chapter 351, Florida Statutes; amending sections 350.011, 350.04, 350.05, 350.051, 350.30, 350.31, 350.631, 350.641, 350.76, 350.78, 350.79, Florida Statutes, making only style and grammar changes; repealing obsolete sections 350.03, 350.22, 350.24, 350.46, 350.47, 350.48, 350.49, 350.50, 350.51, 350.52, Florida Statutes; transferring sections in chapters 352 through 359, Florida Statutes, to newly created chapter 546, Florida Statutes; providing an effective date.

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

By the Select Committee on Military & Veterans Affairs and Representative Peaden and others—

HB 1274—A bill to be entitled An act relating to governmental reorganization; creating s.20.35, Florida Statutes; creating a Department of Veterans' Affairs; transferring the Division of Veterans' Affairs of the Department of Community Affairs to said department; providing powers and duties of the department; directing that conforming editorial changes be made in the Florida Statutes; repealing s.20.18(2)(c) and (12), Florida Statutes, 1974 Supplement, to conform to this act; providing that any costs occasioned by the operations of the act shall be paid from the existing budget of the Division of Veterans' Affairs; 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 27, 1975

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

HB 2282 **HB 2283**

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representative Rish and others—

HB 2282—A bill to be entitled An act relating to restraints on alienation of property; creating s.689.22, Florida Statutes; providing the rule against perpetuities and the basis for determining the validity of an interest thereunder; providing the application of the rule; providing limitations on leases to commence in the future or upon the happening of a future event and on options in gross; providing for the reduction of age contingencies; providing rules of construction; specifying the law governing application of the rule against perpetuities and the validity of a direction to accumulate in cases in which real property is acquired by a foreign trust; providing for application of the rule against perpetuities to trusts with transferable certificates; providing an effective date.

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

By the Committee on Judiciary and Representative Rish and others—

HB 2283—A bill to be entitled An act relating to powers of attorney; amending section 709.08(1), Florida Statutes, 1974 Supplement; providing that any natural person who may serve as a personal representative may serve as attorney in fact under a durable power of attorney; 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 28, 1975

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

HB 1481 **HB 1975**

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hill and others—

HB 1481—A bill to be entitled An act relating to elections; requiring that polling places be accessible to and usable by elderly persons and physically handicapped persons; providing for waiver of requirements; providing an effective date.

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

By Representatives McPherson and Smith—

HB 1975—A bill to be entitled An act relating to appointment of the lieutenant governor as the head of various state departments; creating subsection (7) of s.20.04, Florida Statutes, providing that the governor may appoint the lieutenant governor as the head of any one department the head of which is a secretary appointed by the governor; amending s.20.17(1), Florida Statutes, 1974 Supplement, to delete the reference to the governor appointing the lieutenant governor as head of the Department of Commerce; providing an effective date.

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

The Honorable Dempsey J. Barron, President May 28, 1975

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

CS for HCR 1891	HCR 2009	HM 2014
HM 2016	HCR 2131	HM 2228
HCR 2238	HM 2245	HCR 2277
HCR 2278		

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Select Committee on Military & Veterans Affairs and Representative Miller and others—

CS for HCR 1891—A concurrent resolution recognizing and saluting the veterans of the state for their unselfish service to this state and the nation in past wars.

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

By Representative Bloom—

HCR 2009—A concurrent resolution recognizing the outstanding contribution of Jordan Davidson to the State University System of Florida.

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

By Representative Bloom—

HM 2014—A memorial to the Congress of the United States, urging Congress to provide full funding for the Higher Education Act Title I programs of community services and continuing education.

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

By Representative Bloom—

HM 2016—A memorial to the Congress of the United States, urging that Congress take immediate and appropriate action relative to the whale hunting practices in which Japan and the Soviet Union are currently engaged.

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

By the Committee on Growth & Energy and Representatives Brown and Nelson—

HCR 2131—A concurrent resolution endorsing the Growth Policy Resolution of 1974.

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

By the Committee on Transportation and Representative Sackett—

HM 2228—A memorial to the Congress of the United States urging that the National Railroad Passenger Corporation be required to restore rail passenger service between Jacksonville, Florida and New Orleans, Louisiana.

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

By the Committee on Transportation and Representative Rude—

HCR 2238—A concurrent resolution expressing the intent of the Florida Legislature to promote the celebration of the nation's forthcoming bicentennial through the issuance of commemorative motor vehicle registration plates, which plates may be obtained and placed on the front of motor vehicles.

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

By Representative Miller and others—

HM 2245—A memorial to the Congress of the United States urging the Congress to provide for increased passenger rail service to and from the State of Florida.

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

By Representative Nergard and others—

HCR 2277—A concurrent resolution commending and endorsing the efforts of the Ft. Pierce Jaycees and Now America, 1976, in the Bicentennial Collectors Flag Project.

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

By Representative Craig—

HCR 2278—A concurrent resolution recognizing the services of Albert Victor Hardy, M.D., Dr.P.H., to the State of Florida and mankind.

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

The Honorable Dempsey J. Barron, President May 28, 1975

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

HB 1432 HB 996 HB 1213

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Skinner—

HB 1432—A bill to be entitled An act for the relief of George W. Adams; providing an appropriation to compensate him for damages caused by the negligence of the Game and Fresh Water Fish Commission; providing an effective date.

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

By Representative Freeman—

HB 996—A bill to be entitled An act for the relief of specified individuals to compensate them for serving as grand jurors or appearing as witnesses after the term of court for which they were called had expired due to an oversight by the state attorney; providing an effective date.

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

By Representative Grosse—

HB 1213—A bill to be entitled An act for the relief of Donald F. Dobson, Jr.; authorizing the Board of County Commissioners of Baker County to compensate him for damages to his automobile; providing an effective date.

Proof of publication of the required notice was attached.

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

The Honorable Dempsey J. Barron, President May 28, 1975

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

HCR 2015 HCR 2134

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Bloom—

HCR 2015—A concurrent resolution recognizing the outstanding contribution of Shepard Broad to the State University System of Florida.

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

By Representative Dick Clark and others—

HCR 2134—A concurrent resolution expressing deep regrets over the passing of Isadore Hecht.

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

The Honorable Dempsey J. Barron, President May 28, 1975

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

HB 1105 HB 1344 HB 171
HB 2204 HB 431

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Melvin and others—

HB 1105—A bill to be entitled An act relating to retirement; amending s.121.091(9), Florida Statutes, 1974 Supplement, eliminating certain restrictions on the employment of a person who has retired under the Florida Retirement System; authorizing such reemployment for 600 hours per year with a monetary earnings limit per year, without suspension of benefits; prohibiting reemployment after retirement within 1 month with any employer within the system; providing that a retired person holding public office is subject to the same reemployment limitations as any other member of the system and also applying these limitations to retired persons who are independent contractors; amending s.121.046(4), Florida Statutes, to provide these same reemployment restrictions to members of the Judicial Retirement System; amending s.122.16, Florida Statutes, to apply these same reemployment limitations to members of the State and County Retirement System; amending s.238.181, Florida Statutes, to apply these same reemployment limitations to the retirement system for school teachers; creating subsection (10) of s.121.091, Florida Statutes, relating to reinstatement of membership in the Florida Retirement System after retirement; providing an effective date.

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

By Representative Rude—

HB 1344—A bill to be entitled An act for the relief of George Michel; providing an appropriation to compensate him for financial loss and property damage caused by the negligence of the Department of Transportation; providing an effective date.

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

By Representative James—

HB 171—A bill to be entitled An act for the relief of Nozzle Nolen, Inc.; providing an appropriation to compensate Nozzle Nolen, Inc., for loss of income, property damage, and other damages as a result of an accident caused through the careless operation of the guard rails at the Parker Bridge in North Palm Beach, Palm Beach County; providing an effective date.

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

By Representative Thompson—

HB 2204—A bill to be entitled An act for the relief of Tommy Wayne Luther, a minor, by and through his legal guardian; providing an appropriation to compensate him for damages sustained as a result of the negligence of the school board of Taylor County, Florida; providing an effective date.

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

By Representative Andrews—

HB 431—A bill to be entitled An act for the relief of Isabella Y. Smith and Levant Smith; providing an appropriation to compensate them for personal injuries and property damage sustained as a result of the negligence of the Department of Transportation; providing an effective date.

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

The Honorable Dempsey J. Barron, President May 28, 1975

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

HB 2189 HB 1250 HB 1301
HB 2164 HB 472

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Nuckolls and others—

HB 2189—A bill to be entitled An act relating to Lee County; creating the Iona-McGregor Fire Protection and Rescue Service District within the county; providing definitions; providing for the election, membership, terms, compensation, and duties of the Board of Commissioners of the district; providing for the filling of vacancies on the board; authorizing the board to employ necessary personnel; authorizing the board to levy special assessments on the property within the district; providing a schedule of maximum rates of assessments for certain types of property; authorizing the property appraiser and tax collector of the county to take certain actions to assist the board; providing that assessments by the board shall be enforced as are tax assessments by the county; authorizing the board to borrow money to issue revenue anticipation certificates and to pledge certain liens; exempting the commissioners from certain liability; restricting the use of funds of the district by the board; authorizing the board to purchase certain fire equipment and a fire department; authorizing the board to adopt rules and regulations; requiring the board to make annual reports; authorizing the board to enact a fire prevention code or ordinance; providing a procedure for bringing suit against the board or a member thereof; providing for a referendum.

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 Representative Ogden and others—

HB 1250—A bill to be entitled An act relating to the City of Jacksonville; adding subsection 35 of Section 3.02, Article 3 of Chapter 67-1320, Laws of Florida, as amended, to provide for full power by the consolidated government consistent with Chapter 73-129, Laws 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 Representative Hazelton—

HB 1301—A bill to be entitled An act for the relief of William G. Willis of Palm Beach County; providing an appropriation to compensate him for loss of income and personal injury as a result of an accident caused by the negligence of the Palm Beach County Survey Department; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Hodges—

HB 2164—A bill to be entitled An act relating to Lafayette County; providing for the relief of Robert Dale Lyons and Alexander Lyons, his father; providing for an appropriation by the District School Board of Lafayette County to compensate them for injuries and expenses arising out of an accident on February 9, 1973, while Robert Dale Lyons was a pupil in the public schools of Lafayette County; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Melvin—

HB 472—A bill to be entitled An act for the relief of Mark Bacon, by and through his legal guardian, William Bacon; authorizing and directing the district school board of Okaloosa County to compensate William Bacon for injuries sustained by Mark Bacon while playing football for Max Bruner Junior High School; providing an effective date.

Proof of publication of the required notice was attached.

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

The Honorable Dempsey J. Barron, President May 28, 1975

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

HB 2188 **HB 2268** **HB 2231**

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Rude and others—

HB 2188—A bill to be entitled An act relating to the Downtown Development Authority of the City of Fort Lauderdale, Broward County; amending section 4 of chapter 69-1056, Laws of Florida, to increase the membership of the board of the authority to seven members; providing for the appointment and terms of office of members of the board; creating subsection 20 of section 7 of chapter 69-1056, Laws of Florida, to require competitive bids on purchases or contracts in excess of five hundred dollars; 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 Representative Wilson and others—

HB 2268—A bill to be entitled An act relating to Pinellas County; amending Section 2 of Chapter 26155, Special Acts of Florida, 1949, to allow the Board of County Commissioners of Pinellas County to delegate authority and responsibility for the control of county roads; 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 Representative Hawkins—

HB 2231—A bill to be entitled An act relating to the City of Naples Airport Authority; amending Section 4(n) of Chapter 69-1326, Laws of Florida, increasing the borrowing power of the airport authority to five million dollars (\$5,000,000); 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.

The Honorable Dempsey J. Barron, President May 28, 1975

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

HB 838 **HB 1824**
CS for HB 354 **CS for HB 1358**
CS for HB's 609 & 1511 **CS for HB 660**

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Fontana and others—

HB 838—A bill to be entitled An act relating to the Florida Retirement System; adding paragraph (e) to s.121.011(3), Florida Statutes, 1974 Supplement; providing for the award of retirement service credit, for periods of suspension, to any member of the Florida Retirement System or of an existing re-

tirement system under chapter 121, Florida Statutes, who is not retired and who is, has been, or shall be suspended and reinstated, without compensation; providing the member shall pay for such credit according to a certain formula; providing that the member may pay for social security coverage during the period of suspension if payments have been made therefor on his behalf by the employer; providing an effective date.

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

By the Committee on Commerce and Representatives Hutto and Conway—

CS for HB's 609 and 1511—A bill to be entitled An act relating to child labor; amending s.450.011, Florida Statutes, providing definitions and deleting certain exemptions from the provisions of chapter 450, Florida Statutes; amending s.450.021, Florida Statutes, lowering the minimum age for minors to engage in certain employment; restricting minors from working where alcoholic beverages are sold; amending s.232.07, Florida Statutes, providing for the issuance of special and hardship certificates of employment for certain children by the superintendent of a school district; requiring evidence of age; amending s.450.061(1), Florida Statutes, lowering the age for minors authorized to engage in certain hazardous occupations; permitting 14 and 15 year olds to drive farm tractors in certain instances; amending s.450.081(1) and (4), Florida Statutes, lowering the age and increasing the hours in which minors may engage in certain employment; deleting provisions restricting certain minors from engaging in certain employment such as television and sports; exempting pages in the Florida Legislature and certain other minors from such age and hour restrictions; amending s.450.111, Florida Statutes, relating to procedures for the issuance of employment certificates to minors; changing the minimum age for certain employment; requiring the employer to keep employment certificates; changing the minimum age for minors to work in their best interest or for support of their family; exempting certain married minors or legislative pages from certain restrictions; amending s.450.151, Florida Statutes, prohibiting any person from using a minor for certain employment; amending s.450.161, Florida Statutes, lowering the minimum age for employment in a vocational education course; amending s.232.08, Florida Statutes, requiring certain evidence of age prior to the issuance of an employment certificate; repealing ss.450.31, 450.041, and 450.071, Florida Statutes, which prohibit certain minors from engaging in certain street trades or from working as messengers or in poolrooms; repealing s.450.091, Florida Statutes, which requires employers to provide minor employees with certain facilities; providing an effective date.

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

By the Committee on Regulated Industries & Licensing and Representative Forbes and others—

CS for HB 1358—A bill to be entitled An act relating to pilots and stevedores; repealing chapters 310, 311, and 312, Florida Statutes; creating a new chapter 310, Florida Statutes; providing for a state board of pilot commissioners and the qualifications of its members; providing how the board shall be constituted; providing for an oath for the members of the board; providing for the organization of the board; providing for meetings of the board; providing the board power to promulgate rules and regulations; authorizing the board to employ personnel; providing quotas for licensed pilots; providing the qualifications of applicants to become pilots and deputy pilots; providing for the examination of such applicants; providing for the filling of vacancies among the number of pilots authorized; providing the board with powers; providing the board with the power to discipline, suspend or revoke a pilots license or a deputy pilots' certificate; providing for the investigation of casualties; and providing for annual fees and a percentage of pilotage; providing the vessels subject to pilotage; providing rates of pilotage for vessels; providing a penalty for piloting without a license; providing that pilots may incorporate themselves; creating a new chapter 311, Florida Statutes; providing a definition of port authority; providing an election to port authority; providing for the appointment, licensing and bonds of stevedores; transferring the functions of the boards of port wardens and pilot commissioners to the state board of pilot commissioners and to certain port authorities; amending section 313.01(1), Florida Statutes, and repealing s.314.03,

Florida Statutes, to eliminate harbor masters as ex officio members of the board of port wardens and pilot commissioners; creating subsection (9)(q) of section 20.30, Florida Statutes, to add the state board of pilot commissioners; repealing subsection (10)(j) of section 20.30, Florida Statutes, to eliminate the boards of port wardens and pilot commissioners; amending section 215.37(1), Florida Statutes, to add the state board of pilot commissioners; providing a severability clause; providing an effective date.

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

By the Committee on Regulated Industries & Licensing and Representative Rude and others—

CS for HB 354—A bill to be entitled An act relating to the practice of acupuncture; prohibiting the practice of acupuncture by any person not specifically authorized as provided in this act; creating ss.458.25, 459.25, 460.45, 461.25, 462.25, 466.65, and 474.50, Florida Statutes, authorizing physicians, physician's acupuncture assistants under supervision, osteopathic physicians, osteopathic physician's acupuncture assistants under supervision, chiropractic physicians, podiatrists, naturopaths, dentists, and veterinarians, licensed to practice in this state, to practice acupuncture pursuant to their individual practices, upon certification therefor by their respective professional licensing boards; providing for regulation of the practice of acupuncture by the State Board of Medical Examiners, the State Board of Osteopathic Medical Examiners, the Florida State Board of Chiropractic Examiners, the Board of Podiatry Examiners, State Board of Naturopathic Examiners, the Florida State Board of Dentistry, and the Florida State Board of Veterinary Medicine, respectively; providing definitions; providing for qualifications and fees for certification; providing for denial, suspension, revocation, and renewal of certificates; providing procedures and fees pursuant to failure to renew; requiring diagnostic examination and informed consent in certain cases; creating s.20.30(13), Florida Statutes, establishing an advisory committee and providing membership, qualifications, terms, and functions; grandfathering in certain persons; providing an effective date.

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

By Representatives Hazouri and Gersten—

HB 1824—A bill to be entitled An act relating to automobile insurers; creating s.627.421 (3), Florida Statutes, requiring any automobile liability and physical damage policy to contain on the front page a summary of major coverages and conditions; requiring a readable policy in lieu of a summary; providing an effective date.

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

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

CS for HB 660—A bill to be entitled An act relating to public officers and employees and candidates for public office; amending ss.112.312 and 112.3145, Florida Statutes, 1974 Supplement; providing definitions; requiring disclosure of financial interest by source for persons seeking to become candidates for state or local office, local officers, state officers and specified employees and certain other persons; requiring persons seeking to become candidates for state or local office, state officers, local officers and specified employees to disclose certain sources of income, secondary sources of income, gifts, real property, and the source of certain personal debts; requiring state and local officers and specified employees to disclose clients represented before public agencies; adding subsection (6) to s.99.012, Florida Statutes, 1974 Supplement, requiring disclosure prior to qualification as a candidate; allowing other political subdivisions to establish additional disclosure requirements not contained herein; 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 28, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended—HB 1359 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Rish and Hutto—

HB 1359—A bill to be entitled An act relating to mental health; amending section 394.76(4)(a), Florida Statutes, as amended, deleting provisions providing that three-quarters (¾) of non-inpatient fees be deducted from the total operating cost of services and programs; creating section 394.76(4)(d), Florida Statutes, providing that certain expenditures of 100% of all third party payments and fees for non-inpatient services shall be eligible for state financial participation; 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 29, 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 2265

HJR 1202

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce—

HJR 2265—A joint resolution endorsing certain findings of the joint legislative Administrative Procedures Committee and disapproving Rule Number 8H-300.5 of the Public Employees Relations Commission relating to intervention in a proceeding to certify a public sector bargaining agent.

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

By Representative Pajcic—

HJR 1202—A joint resolution proposing an amendment to Section 4 of Article X of the State Constitution relating to the homestead exemption from forced sale.

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

The Honorable Dempsey J. Barron, President May 29, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2326 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Select Committee to Investigate Florida Department of Criminal Law Enforcement—

HB 2326—A bill to be entitled An act relating to criminal law enforcement; creating subsection (3) of section 943.02, Florida Statutes, 1974 Supplement; providing definitions; repealing subsection (6) of section 943.03, Florida Statutes, 1974 Supplement, relating to the interpretation of powers enumerated in chapter 943, and creating a new subsection (6), providing for the authority, responsibilities, and privileges of special agent personnel of the Department; creating subsection (11) of section 943.03, Florida Statutes, 1974 Supplement; providing for keeping records of electronic detection; repealing subsections (2) and (3) of section 943.04, Florida Statutes, 1974 Supplement, relating to investigative and related authority of the Department of Criminal Law Enforcement and the Division of Law Enforcement; amending Section 943.07(4), Florida Statutes, 1974 Supplement, limiting the scope of criminal justice intelligence information; amending Section 943.08(1), Florida Statutes, 1974 Supplement, increasing the duties of the Criminal Justice Information Systems Council to include the collection of information; 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 29, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 1778 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Transportation and Representatives Ryals and Gorman—

CS for HB 1778—A bill to be entitled An act relating to recreational vehicles; amending s.320.27(1)(b) and (c), F. S., to exclude recreational vehicles and mobile homes from the definition of "motor vehicles;" amending s.320.77(1)(b), (2), (3), (6), (7), (10) and (11) and creating s.320.77(1)(c), F. S., to include dealers of recreational vehicles in the definition of "mobile home dealer," and to require said dealers to acquire licenses and keep certain records and papers; exempting motor vehicle dealers from certain requirements; providing definitions; providing for revocation of licenses; requiring bonds; amending s.320.822(1), (2), (5)—(8), (11), F. S., providing definitions; amending s.320.8225(1), (5), (7) and (8), F. S., providing that manufacturers of recreational vehicles shall obtain a license; providing for bonds; providing for denial, revocation or suspension of licenses; creating s.320.8231, F. S., providing for the establishment of a uniform standards code for recreational vehicle-type units; amending s.320.823, F. S., providing for establishment of uniform mobile home standards code; amending s.320.8235, F. S., requiring compliance by mobile homes and certain recreational vehicles with a uniform standards code; amending ss.320.827 and 320.828, F. S., providing that recreational vehicles shall bear a seal and a certification before sale or manufacture; amending s.320.830, F. S., providing for reciprocity with regard to recreational vehicles; repealing s.320.855, F. S., which requires the licensee to submit a performance bond or evidence of insurance; amending s.320.8285, F.S., relating to onsite inspection of mobile homes, by adding subsections (5) thereto, providing requirements for regulations adopted by local governments; 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 29, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended— HB 1983—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Dick Clark—

HB 1983—A bill to be entitled An act relating to planning and budgeting; amending s.216.151, Florida Statutes, to require the secretary of the department of administration to analyze the financial effect on local governments as a result of executive, legislative, or judicial action; creating subsection (3) of s.216.162, Florida Statutes, to require the governor's legislative budget to include recommendations for sources of funds for local governments when executive, legislative, or judicial actions cause revenue loss or increased expenditures to local governments; providing an effective date.

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

The Honorable Dempsey J. Barron, President May 29, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 1423 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Transportation and Representative Lockward—

CS for HB 1423—A bill to be entitled An act relating to transportation; creating ss.339.40-339.48, F. S., providing state technical and financial assistance to local communities for planning, development, and construction of mass transporta-

tion facilities and services; providing a short title, legislative intent and definitions; providing responsibilities of the Department of Transportation; requiring a statewide plan for mass transportation facilities; authorizing the department to receive federal aid; providing for aid and funding for mass transportation projects and providing procedures therefor; providing for contracts between the department and receiving agencies; providing the department with rule making authority; providing severability; providing local authority provisions; providing for a committee on mass transportation and requiring a report; providing an effective date.

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

The Honorable Dempsey J. Barron, President May 29, 1975

I am directed to inform the Senate that the House of Representatives has passed CS for HB 570 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Education and Representative Craig and others—

CS for HB 570—A bill to be entitled An act relating to financing public education; authorizing and directing the Department of Education, the Department of Administration, and the Department of Revenue to conduct joint studies to develop methods of financing district school education by means other than ad valorem taxation; declaring state policy to be the implementation of such an alternative by July 1, 1980, if adopted by the legislature; providing for reports; providing legislative intent; providing for cooperation by state agencies; providing an effective date.

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

The Honorable Dempsey J. Barron, President May 29, 1975

I am directed to inform the Senate that the House of Representatives has passed HB 1004 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Peaden and Mixson—

HB 1004—A bill to be entitled An act relating to motor vehicle inspection stations; amending s.325.26, Florida Statutes; exempting current inspection station license holders from any Department of Highway Safety and Motor Vehicles rule increasing minimum area requirements for inspection stations until such time as the station changes location or ownership; providing an effective date.

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

The Honorable Dempsey J. Barron, President May 29, 1975

I am directed to inform the Senate that the House of Representatives has passed HB 1744 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Criminal Justice—

HB 1744—A bill to be entitled An act relating to the correctional standards council; amending section 944.581(1)(a), Florida Statutes, 1974 Supplement, to provide for increased membership on the correctional standards council; providing an effective date.

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

The Honorable Dempsey J. Barron, President May 29, 1975

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

By Senator J. Lane—

SB 44—A bill to be entitled An act relating to the Florida Residential Landlord and Tenant Act; amending s.83.49(2), Florida Statutes, requiring that the tenant be notified of where and how advance rent or a security deposit is being held and of the provisions of said act relating to returning or imposing a claim upon a security deposit; providing that failure to provide this notice shall not be a defense to the payment of rent when due; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 29, strike all of line 29 and insert:

Section 2. Subsections (6) and (7) are added to section 83.49, Florida Statutes, 1974 Supplement, to read:

83.49 Deposit money or advance rent; duty of landlord and tenant.—

(6) For the purposes of this part, a renewal of an existing rental agreement shall be considered a new rental agreement and any security deposit carried forward shall be considered a new security deposit.

(7) Any person licensed under the provisions of s.509.241, unless excluded by the provisions of this part, who fails to comply with the provisions of this part shall be subject to a fine, or to the suspension or revocation of his license by the Division of Hotels and Restaurants of the Department of Business Regulation in the manner provided in s.509.261.

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

Amendment 2—On page 1, line 13 after the semicolon “;” insert: adding subsections (6) and (7) to s.83.49, Florida Statutes, 1974 Supplement, providing that security deposits carried forward upon the renewal of an existing lease are to be considered as new security deposits; subjecting certain public lodging or public food service establishments licensed by the Division of Hotels and Restaurants of the Department of Business Regulation to fine or license suspension or revocation for failure to comply with the provisions of Part II of Chapter 83, Florida Statutes, relating to the rights and duties of landlords and tenants;

Amendment 3—On page 2, line 24, strike “shall pay or credit” and insert: shall pay directly to the tenant or credit against the current month’s rent

On motions by Senator J. Lane, the Senate concurred in House amendments 1, 2 and 3 to SB 44.

SB 44 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	Gordon	Peterson	Thomas, P.
Brantley	Hair	Poston	Tobiassen
Childers, D.	Henderson	Renick	Trask
Childers, W. D.	Holloway	Sayler	Ware
Dunn	Johnston	Sims	Wilson
Firestone	Lane, D.	Spicola	Winn
Gallen	Lane, J.	Stolzenburg	Zinkil
Glisson	McClain	Thomas, J.	

Nays—None

The Honorable Dempsey J. Barron, President May 29, 1975

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

By Senator Sims—

SB 255—A bill to be entitled An act relating to landlord and tenant; creating s.83.625, Florida Statutes; providing that the court shall, in addition to awarding possession to the landlord for nonpayment of rent, direct the entry of a money judgment

within jurisdictional limitations in favor of the landlord for money found due, owing and unpaid by the tenant under certain circumstances; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 6, after period add: Section 2. Section 83.73 is amended to read:

83.73 Injunction.—In addition to other penalties provided in s.83.72, the state attorneys and their assistants are authorized to apply to the circuit court within their respective jurisdictions, upon the sworn affidavit of any mobile home owner or dweller alleging a violation by a mobile home park owner or operator of any of the provisions of s.83.69, s.83.695, s.83.70, or s.83.71, and such court shall have jurisdiction, upon hearing and for cause shown, to grant a temporary or permanent injunction restraining such mobile home park owner or operator from any further violation, whether or not there exists an adequate remedy at law, and such injunction may issue without bond at the court’s discretion. *The Department of Legal Affairs shall have concurrent jurisdiction as an enforcing authority if the violation occurs in or affects more than one judicial circuit or if the office of state attorney fails to act upon a violation within a reasonable period of time.*

Renumber Section 2 as Section 3.

Amendment 3—In title, page 1, line 12, after the semicolon insert: amending s.83.73 Florida Statutes, to give the Department of Legal Affairs concurrent jurisdiction with state attorneys in seeking injunctions in certain cases;

On motions by Senator Sims, the Senate concurred in House amendments 1 and 3 to SB 255.

SB 255 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—30

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

Nays—None

The Honorable Dempsey J. Barron, President May 29, 1975

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

By the Committee on Judiciary-Civil—

CS for SB 41—A bill to be entitled An act relating to adoption; amending s.63.062(1), Florida Statutes; designating persons required to consent to an adoption of a minor; adding s.63.122(3)—(8), Florida Statutes; authorizing a change of venue to protect the privacy of the petitioner or child; amending s.63.102(3), Florida Statutes, and adding a new subsection to said section; designating persons who must be given notice of an adoption hearing; authorizing the deletion of names from the notice of hearing to protect the privacy of the petitioner or child; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 20, strike everything after the enacting clause and insert:

Section 1. Short title.—This act shall be known and may be cited as the “Adoption Revision Act of 1975.”

Section 2. Paragraphs (b) and (g) of subsection (2) of Section 63.022, Florida Statutes, are amended to read:

63.022 Legislative intent.—

(2) The basic safeguards intended to be provided by this act are that:

(b) The ~~required persons~~ ~~natural parents~~ consent to the adoption or the parent-child relationship is terminated by judgment of the court;

(g) Social information concerning the child and the natural parents is furnished by the natural parent when available and filed with ~~attached to~~ the consent to the adoption when a minor is placed by an intermediary;

Section 3. Subsections (8) and (10) of Section 63.032, Florida Statutes, are amended to read:

63.032 Definitions.—As used in this act, unless the context otherwise requires:

(8) "Agency" means *any child placing agency or person licensed by the division pursuant to Section 63.202 to place minors for adoption.*

(10) "To place" or "placement" means *the process of giving or transferring of possession or custody of a child by any person to another person for adoption. or with the intent or purpose of surrendering the control of the child.*

Section 4. Subsection (1) of section 63.062, Florida Statutes, is amended to read:

63.062 Persons required to consent to adoption.—

(1) Unless consent is excused by the court, a petition to adopt a minor may be granted only if written consent has been executed after the birth of the minor by:

(a) The mother of the minor ~~and the legal spouse, if any, who was married to the mother when the minor was conceived or born; and or~~

(b) The father of the minor, if:

1. *the minor was conceived or born while the father was married to the mother;*

2. *the minor is his child by adoption;*

3. *the minor has been established by court proceeding to be his child; or*

4. *he has acknowledged in writing, signed in the presence of a competent witness, that he is the father of the minor, and has filed such acknowledgment with the Bureau of Vital Statistics; and*

5. *he has provided the child with support in a repetitive, customary manner.*

~~(c)(b)~~ The minor, if more than 12 years age, unless the court in the best interest of the minor dispenses with the minor's consent. ~~No consent shall be required from the father of a child born out of wedlock when the mother of the child does not know the identity of the father and a reasonable search would not reveal his identity. In this event, the mother shall execute an affidavit under oath that she does not know either the identity or location of the father.~~

Section 5. Subsections (1) and (4) of Section 63.092, Florida Statutes, are amended to read:

63.092 Report to the division of intended placement by an intermediary; preliminary study.—

(1) The intermediary shall report *any intended placement of the intention to place a minor for adoption with any person not related within the third degree or a step-parent if the intermediary has knowledge of or participates in such intention to place. The report shall be made to the division at least 30 days prior to placement of a minor in the home, except that the division may waive this requirement on an individual case basis, provided, however that such waiver shall be granted only upon a showing of good cause. The report shall contain:*

(a) The name and address of the person with whom the minor is intended to be placed; ~~and~~

(b) *The identification of the child proposed for placement; additional information requested by the division.*

(c) *The intended placement date; and*

(d) *Additional information requested by the division.*

(4) In the event of an unfavorable preliminary report, the intermediary or petitioner may petition the court for a determination as to the suitability of the home. Pending the court's determination, the child shall remain in the custody of the parent or be placed in the temporary custody of the division. A determination as to suitability under this section shall not act as a presumption of suitability at the final hearing.

Section 6. Section 63.097, F.S., is created to read:

63.097 Approval of fees to intermediaries.—*Any fee including those costs as set out in section 12(1)(b) above \$500 paid to an intermediary other than actual documented medical, court costs and hospital costs must be approved by the court.*

Section 7. Subsection (3) is added to section 63.102, Florida Statutes, to read:

63.102 Filing of petition; venue.—

(3) *If the filing of the petition for adoption in the county where the petitioner or child resides would tend to endanger the privacy of the petitioner or child, the petition for adoption may be filed in a different county provided the substantive rights of any person will not thereby be affected.*

Section 8. Subsection (2) of Section 63.112, F.S., is amended to read:

63.112 Petition for adoption; description.—

(2) The following documents are required to be ~~attached to~~ the petition and filed with the clerk of the court *at the time the petition is filed:*

~~(a)~~ *A certified copy of the birth certificate, or verification of the birth record, of the person to be adopted, if available,*

~~(a)(b)~~ The required consents, unless consent is excused by the court, and

~~(b)(e)~~ The favorable recommendation of the division, or agency, ~~or person~~ as to the suitability of the home in which the minor has been placed.

~~(c)~~ *Unless ordered by the court, no report or recommendation is required where the placement is a step-parent adoption or where the child is related to one of the adoptive parents within the third degree.*

Section 9. A new subsection (3) is added to section 63.122, Florida Statutes, present subsections (6), (7), and (8) are renumbered as subsections (7), (8), and (9), respectively, and present subsections (3), (4), and (5) are renumbered and amended, to read:

63.122 Notice of hearing on petition; investigation.—

(3) *Upon a showing by the petitioner that the privacy of the petitioner or child may be endangered, the court may order the names of the petitioner or child or both to be deleted from the notice of hearing and from the copy of the petition attached thereto provided the substantive rights of any person will not thereby be affected.*

~~(4)(3)~~ Notice of the hearing shall be given by the petitioner to:

(a) The division or any agency placing the minor;

(b) The intermediary;

~~(c)~~ *Any person whose consent to the adoption is required by this act who has not consented unless such person's consent is excused by the court; and The parent who, by written sworn acknowledgment or court proceeding, has been established to be the parent of the minor or who has provided the child with support in a repetitive, customary manner,*

~~(d)~~ Any person who is seeking to withdraw consent.†

~~(e)~~ Any person whose consent to the adoption is required by this act who has not consented and who has filed with the clerk of the court his name, address, and objections to the adoption, and

~~(f)~~ Any person who has not consented, but whose consent is excused by the court.

~~(5)(4)~~ Except when the petitioner is a spouse of the natural parent, An investigation shall be made by the agency or by

the division to ascertain whether the adoptive home is a suitable home for the minor and the proposed adoption is in the best interest of the minor. *Unless directed by the court, an investigation and recommendation are not required when the petitioner is a step-parent or where the child is related to one of the adoptive parents within the third degree.*

(6)(5) A written report of the investigation shall be filed with the court and with the petitioner by the investigator within 90 days from the date of the filing of the petition before the petition is heard.

Section 10. Subsection (4) of section 63.162, Florida Statutes, is amended to read:

63.162 Hearings and records in adoption proceedings; confidential nature.—Notwithstanding any other law concerning public hearings and records:

(4) Except as authorized in writing by the adoptive parent or the adopted child, if ~~eighteen~~ ~~fourteen~~ or more years of age, or upon order of the court for good cause shown in exceptional cases, no person shall ~~is required~~ to disclose from the records the name or identity of either an adoptive parent or adopted child.

Section 11. Paragraph (a) of subsection (1) of section 63.172, Florida Statutes, is amended to read:

63.172 Effect of judgment of adoption.—

(1) A judgment of adoption, whether entered by a court of this state, another state, or of any other place, has the following effect:

(a) It relieves the natural parents of the adopted person, except a natural parent who is a petitioner or who is married to a petitioner, of all parental rights and responsibilities.

Section 12. Section 63.207, Florida Statutes, is created to read:

63.207 *Out-of-state placement.*—No person except an agency or the division shall take or send a child out of the state for purposes of placement for adoption unless the child is to be placed with a relative within the third degree or a step-parent.

Section 13. Section 63.212, F. S., is amended to read:

63.212 Penalties.—

(1) It is unlawful for any person:

(a) *Except the division or an agency, to place or attempt to place without the state a child for adoption unless the child is placed with a relative within the third degree or a step-parent. Rendering any service in connection with the placement of a child for adoption or in connection with the placement of a child with one other than its parents to charge or receive from or on behalf of the natural parent or parents of the child to be adopted or placed, or from or on behalf of the person or persons legally adopting or accepting such child, any compensation or thing of value whatsoever for the placement service other than that now or hereafter allowed by law. But this shall not be construed to prohibit the payment of any interested person of reasonable charges or fees for hospital or medical services for the birth of a child or medical care for the mother or child incident thereto or for legal service or costs of court for an adoption suit or proceeding.*

(b) To sell or surrender a child to another person for money or anything of value; ~~or and it is unlawful for any person to receive such minor child for such payment or thing of value;~~ however, nothing herein shall be construed as prohibiting any person who is contemplating adopting a child ~~not yet born~~ from paying ~~necessary~~, actual prenatal care and living expenses of the mother ~~of~~ the child to be adopted, nor from paying ~~necessary~~, actual living and medical expenses of such mother for a reasonable time, not to exceed 30 days, after the birth of the child.

(c) Having the rights and duties of a parent with respect to the care and custody of a minor to assign or transfer such parental rights for the purpose of, incidental to, or otherwise connected with, selling or offering to sell such rights and duties.

(d) To assist in the commission of any acts prohibited in paragraphs (a), (b), or (c).

(2) *Nothing herein shall be construed to prohibit a licensed child placing agency from charging fees reasonably commensurate to the services provided. This section does not apply to a licensed child placing agency.*

(3) *It is unlawful for any intermediary to fail to report to the division the intended placement of a child for purposes of adoption with any person not a step-parent or a relative within the third degree if the intermediary participates in such intended placement.*

(4) *It is unlawful for any intermediary to charge any fee including those costs as set out in section 12 (1)(b) over \$500 other than for actual documented medical, court costs and hospital costs unless such charges are approved by the court.*

(5)(3) Whoever violates any provision of this section shall be guilty of a felony of the third degree, punishable as provided in s.775.082, s.775.083, or s.775.084.

Section 14. This act shall take effect July 1, 1975.

Amendment 2—On page 1, lines 3-16, strike the title and insert: A bill to be entitled An act relating to adoption; creating the Adoption Revision Act of 1975; amending s.63.022(2) (b) and (g), Florida Statutes, changing the term "natural parents" to "required persons" with respect to certain safeguards provided by the Legislature concerning adoption; providing that certain social information be filed with the consent to adoption; amending s.63.032(8) and (10), Florida Statutes, redefining the terms "agency" and "placement" with respect to Florida Adoption Law; amending s.63.062, Florida Statutes, providing requirements as to who must consent to an adoption; amending s.63.092(1), and (4), Florida Statutes, providing additional requirements with respect to reports to the Division of Family Services by intermediaries in adoption proceedings and with respect to preliminary studies; creating s.63.097, Florida Statutes, providing that certain fees paid to intermediaries in adoption proceedings must have court approval; amending s.63.102(3), Florida Statutes, providing for change of venue in filing the petition; amending s.63.112(2), Florida Statutes, requiring that certain documents be filed with the clerk of the court at the time the adoption petition is filed; amending s.63.122(3), (4), and (5), Florida Statutes and adding a new subsection (3); providing certain names may be deleted from the notice of hearing; providing a list of persons to whom the petitioner in an adoption proceeding must give notice of the hearing; providing that certain investigations with respect to adoption proceedings do not need to be made except upon direction of the court; providing a time limit with respect to required investigation reports; amending s.63.162(4), Florida Statutes, relating to the confidential nature of the identity of adoptive parents or adopted children increasing to 18 years the age at which an adopted child may authorize the disclosure of certain information; amending s.63.172(1)(a), Florida Statutes, relating to the effect of a judgment of adoption, providing that a natural parent who is the spouse of a petitioner shall not be relieved of parental rights and responsibilities; creating s.63.207, Florida Statutes, providing a prohibition on certain out-of-state adoptions; amending s.63.212, Florida Statutes, relating to penalties under the Florida Adoption Law; providing an effective date.

On motions by Senator Gallen, the Senate concurred in House amendments 1 and 2 to CS for SB 41.

CS for SB 41 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	Hair	Peterson	Thomas, P.
Brantley	Henderson	Poston	Tobiassen
Childers, D.	Johnston	Renick	Trask
Childers, W. D.	Lane, D.	Sayler	Ware
Dunn	Lane, J.	Sims	Wilson
Firestone	Lewis	Spicola	Winn
Gallen	McClain	Stolzenburg	Zinkil
Gordon	Myers	Thomas, J.	

Nays—None

The Honorable Dempsey J. Barron, President May 29, 1975

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

By Senators Tobiassen and W. D. Childers—

SB 459—A bill to be entitled An act relating to oysters; adding s.370.16(15)(c), Florida Statutes, allowing the harvesting of oysters from certain grounds by certain methods without a harvesting method license; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, lines 17 and 18, strike “natural, public, leased or granted” and insert: *natural or public*

On motion by Senator Tobiassen, the Senate concurred in the House amendment to SB 459.

SB 459 passed as amended by the House amendment, was ordered engrossed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

The Honorable Dempsey J. Barron, President May 29, 1975

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

By the Committee on Governmental Operations and Senator Peterson—

CS for SB 158—A bill to be entitled An act relating to public buildings; repealing s.255.053, Florida Statutes; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 12, strike all of lines 12, 13 and 14 and insert: A new Section 2. Section 235.33, Florida Statutes, 1974, is amended to read:

235.33 Payments.—District school boards shall have full authority and responsibility for all decisions regarding school construction contracts and payments.

Section 3. This act shall take effect October 1, 1975, and shall apply only to contracts made and executed after such date.

Amendment 2—On page 1, strike the title and insert a new title to read:

A bill to be entitled An act relating to public buildings; repealing s.255.053, Florida Statutes; amending section 235.33, Florida Statutes; granting full authority and responsibility to district school boards for decisions regarding school construction contracts and payments; providing an effective date.

On motions by Senator Peterson, the Senate concurred in House amendments 1 and 2 to CS for SB 158.

CS for SB 158 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	Hair	Peterson	Thomas, J.
Brantley	Henderson	Poston	Tobiassen
Childers, D.	Holloway	Renick	Vogt
Childers, W. D.	Johnston	Saylor	Ware
Deeb	Lane, D.	Scarborough	Wilson
Dunn	Lane, J.	Sims	Winn
Firestone	McClain	Spicola	Zinkil
Glisson	Myers	Stolzenburg	

Nays—1

Gordon

The Honorable Dempsey J. Barron, President May 29, 1975

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

By Senator Stolzenburg—

SB 115—A bill to be entitled An act relating to motor vehicle registration license plates; amending s.320.06(1)(a), (4), (5)(a), Florida Statutes, 1974 Supplement, to change the period for which reflectorized metal plates are issued from 3 to 4 years; providing for the issuance of annual revalidation stickers for the 3 interim years; extending the revalidation period for existing 3-year plates; repealing s.320.06(8), Florida Statutes, 1974 Supplement, to delete an obsolete provision relating to prepayment for manufacture of license plates; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

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

Section 1. Subsection (5) of section 339.12, Florida Statutes, is amended to read:

339.12 Contributions by state and county units; bond transfers; federal aid.—

(5) In case any county or special road and bridge district shall transfer and deliver to the division, any county or special road and bridge district road bonds or time warrants under the terms herein provided, such transfer and delivery shall be taken and construed as a sale and delivery of such bonds or time warrants at par or face value thereof.

(a) The division shall agree in writing to expend as much or more than the par or face value of such bonds or time warrants in the construction or maintenance of state roads in the county or special road and bridge district as shall be designated and agreed upon by the division and the officials of the county or special road and bridge district.

(b) The terms herein provided shall apply in any case where such bonds or time warrants have been voted or authorized to be issued.

(c) *The department may use available funds for the preparation of preliminary engineering plans with valid cost estimates which plans and estimates shall be completed prior to the issuance of any bonds on all revenue producing transportation projects. However, the department shall be reimbursed for the costs incurred for such preparation from the proceeds of the bond issue.*

(d) *The department shall not use or pledge the proceeds of the first gas tax on any revenue producing transportation project without legislative approval. This limitation on pledging the proceeds of the first gas tax shall in no way impair the ability of the department or the counties to enter into covenants to complete transportation projects from all other legally available funds.*

Section 2. This act shall take effect July 1, 1975.

Amendment 2—On page 1, strike the title in its entirety, and insert: A bill to be entitled An act relating to funding of certain revenue producing transportation projects; amending s.339.12(5), F. S., requiring preliminary engineering plans with valid cost estimates before the issuance of bonds; requiring the

department of transportation to get legislative approval on all revenue producing transportation projects before proceeds of the first gas tax are used or pledged; permitting the department to use available funds for the preparation of plans and costs estimates but reimbursement shall be made upon sale of bonds; providing an effective date.

On motions by Senator Stolzenburg, the Senate concurred in House amendments 1 and 2 to SB 115.

SB 115 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—28

Mr. President	Gordon	McClain	Stolzenburg
Brantley	Hair	Peterson	Thomas, P.
Childers, D.	Henderson	Poston	Tobiassen
Deeb	Holloway	Renick	Vogt
Firestone	Johnston	Saylor	Ware
Gallen	Lane, D.	Scarborough	Winn
Glisson	Lane, J.	Spicola	Zinkil

Nays—None

On motions by Senator Brantley, by two-thirds vote HB 1357 was withdrawn from the Committee on Commerce, and by two-thirds vote was placed on the special order calendar in lieu of SB 564.

SPECIAL ORDER

SB 554—A bill to be entitled An act relating to the Unemployment Compensation Law; amending s.443.04(2)(a), (c), Florida Statutes, 1974 Supplement; increasing the maximum weekly benefit amount; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 19, strike “\$90” and insert: \$82

Senator J. Thomas moved the following amendment:

Amendment 2—On page 1, line 19, strike “not less than \$10 or more than \$82 \$74.” and insert: not less than \$10 or more than \$74 when the insured unemployment rate is 6.5% or below based on the latest monthly report and \$82 when the insured unemployment rate exceeds 6.5% based on the latest monthly report.

Amendment 2 failed by the following vote:

Yeas—11

Mr. President	Lane, D.	Poston	Thomas, J.
Gallen	Peterson	Saylor	Ware
Henderson	Plante	Sims	

Nays—25

Brantley	Graham	Renick	Vogt
Childers, D.	Hair	Scarborough	Wilson
Childers, W. D.	Johnston	Spicola	Winn
Dunn	Lane, J.	Stolzenburg	Zinkil
Firestone	Lewis	Thomas, P.	
Glisson	McClain	Tobiassen	
Gordon	Myers	Trask	

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

On motion by Senator Gordon, by two-thirds vote SB 554 as amended was read the third time by title, passed and ordered engrossed. The vote on passage was:

Yeas—27

Mr. President	Gordon	Myers	Thomas, P.
Brantley	Graham	Peterson	Trask
Childers, D.	Hair	Poston	Vogt
Childers, W. D.	Johnston	Renick	Wilson
Dunn	Lane, J.	Saunders	Winn
Firestone	Lewis	Scarborough	Zinkil
Glisson	McClain	Spicola	

Nays—10

Gallen	Plante	Stolzenburg	Ware
Henderson	Saylor	Thomas, J.	
Lane, D.	Sims	Tobiassen	

By unanimous consent Senator Holloway was recorded as voting yea.

On motion by Senator Wilson, by two-thirds vote CS for HB 470 was withdrawn from the Committee on Education and placed on the calendar.

On motion by Senator Henderson, by two-thirds vote HB 639 was withdrawn from the Committee on Commerce and placed on the calendar.

SB 1017 was taken up and on motion by Senator Henderson—

HB 639—A bill to be entitled An act relating to the Division of Beverage; creating s.565.15, Florida Statutes, requiring that persons selling distilled spirits to distributors licensed in Florida file an affirmation with the division that the prices charged are no higher than the lowest prices charged in other states; providing a penalty; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 639 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—23

Brantley	Henderson	Renick	Trask
Childers, W. D.	Holloway	Saylor	Ware
Firestone	Lane, D.	Spicola	Wilson
Gallen	Lane, J.	Stolzenburg	Winn
Glisson	McClain	Thomas, J.	Zinkil
Graham	Plante	Tobiassen	

Nays—11

Mr. President	Hair	Myers	Sims
Childers, D.	Johnston	Peterson	Vogt
Dunn	Lewis	Scarborough	

SB 1017 was laid on the table.

HB 1357—A bill to be entitled An act relating to the banking laws of Florida; amending s.659.06(1) (a), Florida Statutes, providing for establishment of branch banks; amending s.659.-061(1) and (2), Florida Statutes, relating to trust service offices; authorizing branch trust banking under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Zinkil moved the following amendment:

Amendment 1—On page 1, line 27, strike “per calendar year”

Amendment 1 failed by the following vote:

Yeas—14

Mr. President	Gallen	Lewis	Vogt
Childers, D.	Glisson	Peterson	Zinkil
Childers, W. D.	Johnston	Stolzenburg	
Firestone	Lane, D.	Tobiassen	

Nays—21

Brantley	Holloway	Renick	Ware
Dunn	Lane, J.	Sayler	Wilson
Gordon	McClain	Scarborough	Winn
Graham	Myers	Sims	
Hair	Plante	Thomas, J.	
Henderson	Poston	Trask	

By unanimous consent Senator Spicola was recorded as voting yea.

Senator Zinkil moved the following amendment which failed:

Amendment 2—On page 2, between lines 1 and 2, insert: Bank holding company shall be limited to one branch per member bank, but not more than six (6) branches in any one county.

Senator Gallen moved the following amendments which failed:

Amendment 3—On page 1, line 26, following the word “bank” insert: which is a subsidiary whose parent corporation does not control more than 10% of the deposits in banking institutions in Florida.

Amendment 4—On page 1, line 26, after the word “bank” insert: which has more than 8 percent of its total assets in unimpaired capital

Amendment 5—On page 1, line 26, after the word “thereby” insert: and the specific reduction in savings under this act be passed on to the banking customer

Amendment 6—On page 2, line 1, after the second “located” insert: provided, however, no branch shall be within 1 mile of any other bank or branch bank or bank facility.

Senator Plante moved that the rules be waived and HB 1357 be read the third time by title. The motion failed to receive the required two-thirds vote for adoption. The vote was:

Yeas—24

Mr. President	Hair	Peterson	Spicola
Brantley	Henderson	Plante	Thomas, J.
Dunn	Holloway	Poston	Trask
Glisson	Lane, J.	Renick	Ware
Gordon	McClain	Sayler	Wilson
Graham	Myers	Sims	Winn

Nays—15

Childers, D.	Gallen	Saunders	Tobiassen
Childers, W. D.	Johnston	Scarborough	Vogt
Deeb	Lane, D.	Stolzenburg	Zinkil
Firestone	Lewis	Thomas, P.	

SB 223—A bill to be entitled An act relating to the Florida Water Resources Act of 1972; amending s.373.069(4), Florida Statutes, and the introductory paragraph of subsection (3) of said section; amending ss.373.0697(4), 373.224, Florida Statutes; changing the effective date relating to the creation of water management districts; providing an effective date.

—was taken up, together with pending Amendment 1 which was withdrawn.

Senators Lewis and Sayler offered the following amendments which were moved by Senator Lewis and adopted:

Amendment 2—Strike all after the enacting clause and insert: Section 1. Pursuant to Section 5 of Article XI of the State Constitution, there shall be a special election on the second Tuesday in March 1976 to be held concurrent with the Presidential Preference Primary Election, at which there shall be submitted to the electors of Florida for approval or rejection Senate Joint Resolution No. 1061 proposing the amending of Section 9 of Article VII of the State Constitution, to establish a limit on local taxes to be used for water management purposes.

Section 2. Publication of notice shall be in accordance with Section 5 of Article XI of the State Constitution. The special election shall be held as other special elections are held.

Section 3. This act shall take effect upon becoming a law, if passed by a three-fourths (¾) vote of the membership of each house.

Amendment 3—On page 1, lines 1-11, strike the title and insert: A bill to be entitled An act relating to a special election to be held on the second Tuesday in March 1976 pursuant to Section 5 of Article XI of the State Constitution for the approval or rejection by the electors of Florida of a joint resolution amending Section 9, Article VII of the State Constitution relating to local ad valorem taxes; providing for publication of notice and for procedures; providing an effective date.

SB 223 as amended was read by title, passed with the required constitutional three-fourths vote of the membership and ordered engrossed. The vote on passage was:

Yeas—36

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

Nays—1

Wilson

Senator Tobiassen was recorded as voting yea.

On motion by Senator Brantley, by two-thirds vote HB 64 was withdrawn from the Committees on Commerce and Ways and Means and placed on the calendar.

SB 51 was taken up and on motion by Senator Brantley—

HB 64—A bill to be entitled An act relating to alcoholic beverage licenses; creating paragraph (c) of subsection (2) of s.561.20, Florida Statutes, providing for the issuance of a special license to bona fide bowling alleys; adding paragraph (d) to s.561.20(2), Florida Statutes, authorizing the issuance of special alcoholic beverage licenses in the name of the county to Boards of County Commissioners; amending subsection (7) of s.561.20, Florida Statutes, providing for the issuance of special club licenses to bona fide tennis clubs; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 64 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

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

Nays—4

Childers, W. D.	Hair	Peterson	Sims
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SB 51 was laid on the table.

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

SB 592—A bill to be entitled An act relating to a special election to be held on March 9, 1976, pursuant to Section 5 of Article XI of the State Constitution, for the approval or rejection by the electors of Florida of a joint resolution amending Section 12 of Article V of the State Constitution, relating to the discipline, removal and retirement of justices and judges; providing for publication of notice and for procedures; providing an effective date.

—was read the second time by title.

Senators Myers and Sayler offered the following amendment which was moved by Senator Sayler and adopted:

Amendment 1—On page 1, line 20, strike "Senate Joint Resolution No—" and insert: House Joint Resolution No. 1709

On motion by Senator Sayler, by two-thirds vote SB 592 as amended was read the third time by title and passed with the required constitutional three-fourths vote of the membership and ordered engrossed. The vote on passage was:

Yeas—34

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

Nays—None

HB 808—A bill to be entitled An act relating to appropriations; providing an annual contingency fund appropriation for the use of each member of the Cabinet; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means offered the following amendment which was moved by Senator W. D. Childers and adopted:

Amendment 1—On page 1, line 16, strike word "dispersed" and insert: word disbursed

Senators McClain and Sayler offered the following amendment which was moved by Senator McClain and failed:

Amendment 2—On page 1, line 15, strike (.) period and insert: ; provided, however, no member of the cabinet shall be entitled to an executive contingency fund as prescribed herein who maintains in any calendar year a bank or trust account in excess of \$10,000, exclusive of interest, consisting of unspent campaign funds.

On motion by Senator W. D. Childers, by two-thirds vote HB 808 as amended was read the third time by title.

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

Amendment 3—On page 1, line 11, strike "contingency" and insert: slush

On motion by Senator W. D. Childers further consideration of HB 808 was deferred.

HB 782—A bill to be entitled An act relating to growth management; expressing intent, scope, and purpose; defining terms; requiring counties, municipalities, and certain other units of local government to prepare and adopt comprehensive plans to guide future development; providing for the establishment of local land planning agencies to prepare and recommend comprehensive plans to governing bodies; establishing required and optional elements of a comprehensive plan; requiring public participation in the planning process; providing procedures for adoption and amendment of adopted comprehensive plans; requiring periodic evaluation and appraisal

of adopted comprehensive plans; establishing the legal status and effect of adopted comprehensive plans and the status and effect of prior adopted comprehensive plans; relating adopted comprehensive plans to exercise of land regulatory authority; providing for the status of adopted comprehensive plans in judicial proceedings; providing for cooperation by certain state and regional agencies; establishing Technical Advisory Committees; providing for severability; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Spicola:

Amendment 1—On page 2-32, strike everything after the enacting clause and insert:

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

Section 2. Intent and purpose.—

(1) In conformity with and in furtherance of the purpose of the Florida Environmental Land and Water Management Act of 1972, chapter 380, Florida Statutes, it is the purpose of this act to utilize and strengthen the existing role, processes, and powers of local governments in Florida in the establishment and implementation of comprehensive planning programs to guide and control future development.

(2) It is the intent of this act that its adoption is necessary so that Florida local governments can preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within their jurisdictions. Through the process of comprehensive planning, it is intended that Florida units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; prevent the overcrowding of land and avoid undue concentration of population; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions.

(3) It is the intent of this act to encourage and assure cooperation between and among municipalities and counties and to encourage and assure coordination of planning and development activities of units of local government with the planning activities of regional agencies and state government in accord with applicable provisions of law.

(4) It is the intent of this act that adopted comprehensive plans shall have the legal status set out in this act and that no public or private development shall be permitted except in conformity with comprehensive plans, or elements or portions thereof, prepared and adopted in conformity with this act.

(5) It is the intent of this act that the activities of units of Florida local government in the preparation and adoption of comprehensive plans, or elements or portions thereof, shall be conducted in conformity with the provisions of this act.

(6) The provisions of this act in their interpretation and application are declared to be the minimum requirements necessary to accomplish the stated intent, purposes, and objectives of this act; to protect human, environmental, social and economic resources; and to maintain through orderly growth and development, the character and stability of present and future land use and development in this state.

Section 3. Definitions.—As used in this act:

(1) "Area" or "area of jurisdiction" means the total area qualifying under the provisions of this act, whether this be all of the lands lying within the limits of an incorporated municipality, lands in and adjacent to incorporated municipalities, all unincorporated lands within a county, or areas comprising combinations of the lands in incorporated municipalities and unincorporated areas of counties. In the case of municipalities where reserve areas have been designated for future annexation by law the term "area" shall include, as being under the jurisdiction of the municipality for the purposes of this act, such unincorporated but designated and reserved lands.

(2) "Comprehensive plan" means a plan that meets the requirements of section 7 of this act.

(3) "Developer" means any person, including a governmental agency, undertaking any development as defined in this act.

(4) "Development" has the meaning given it in s.380.04, Florida Statutes.

(5) "Development order" means any order granting, denying, or granting with conditions an application for a development permit.

(6) "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

(7) "Governing body" means the board of county commissioners of a county, the commission or council of an incorporated municipality, or any other chief governing body of a unit of local government, however designated, or the combination of such bodies where joint utilization of the provisions of this act is accomplished as provided herein.

(8) "Governmental agency" means:

(a) The United States or any department, commission, agency, or other instrumentality thereof;

(b) This state or any department, commission, agency, or other instrumentality thereof;

(c) Any local government, as defined in this section, or any department, commission, agency, or other instrumentality thereof;

(d) Any school board or other special district, authority, or other governmental entity.

(9) "Land" means the earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

(10) "Land use" means the development that has occurred on the land, or the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under an adopted comprehensive plan, or element or portion thereof, or under land development regulations or a land development code, as the context may indicate.

(11) "Local government" means any county or municipality or any special district or local governmental entity established pursuant to law which exercises regulatory authority over and grants development permits for land development.

(12) "Local planning agency" means the agency designated to prepare the comprehensive plan required by this act.

(13) A "newspaper of general circulation" means a newspaper published at least on a weekly basis and printed in the language most commonly spoken in the area within which it circulates, but does not include a newspaper intended primarily for members of a particular professional or occupational group, or a newspaper whose primary function is to carry legal notices or a newspaper that is given away primarily to distribute advertising.

(14) "Parcel of land" means any quantity of land capable of being described with such definiteness that its locations and boundaries may be established, which is designated by its owner or developer as land to be used, or developed as a unit, or which has been used or developed as a unit.

(15) "Person" means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

(16) "Public notice", or "due public notice" as used in connection with the phrase "public hearing" or "hearing to be held after due public notice" means publication of notice of the time, place, and purpose of such hearing at least twice in a newspaper of general circulation in the area, with the first publication not less than 14 days prior to the date of the hearing and the second to be at least five days prior to the hearing.

(17) "Regional planning agency" means the agency designated by the state land planning agency to exercise responsibilities under law in a particular region of the state.

(18) "State land planning agency" means the Division of State Planning.

(19) "Structure" has the meaning given it by s.380.031(17), Florida Statutes.

Section 4. Scope of act.—

(1) The several incorporated municipalities, the several counties, and certain special districts or local governmental entities set out in this act shall have power and responsibility to plan for their future development and growth, power and responsibility to adopt and amend comprehensive plans, or elements or portions thereof, to guide their future development and growth; power and responsibility to implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations, or elements thereof; and power and responsibility to establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of this act. The powers and authority set out in this act may be employed by incorporated municipalities, counties, and certain special districts individually or jointly by mutual agreement in accord with the provisions of this act and in such combinations as their common interests may dictate and require.

(2) On or before July 1, 1979, each county and each municipality in this state shall prepare and adopt a comprehensive plan of the type and in the manner set out in this act.

(3) On or before July 1, 1979, each special district or local governmental entity under subsection (4) of section 5 of this act shall prepare and adopt a comprehensive plan of the type and in the manner set out in this act.

(4) When a municipality within a county under subsection (2) of this section, or when a special district or local governmental entity under subsection (3) of this section has not prepared and adopted a comprehensive plan by July 1, 1979, as required by this act, the comprehensive plan of the county in which such municipality or special district or local governmental entity is situate shall govern. Such county shall have the responsibility to specifically review the application of its comprehensive plan to such municipality or special district or local governmental entity by not later than one year from the date by which such other local government was required to adopt its comprehensive plan.

(5) When a county under subsection (2) of this section has not prepared and adopted a comprehensive plan by July 1, 1979, the state land planning agency shall prepare a comprehensive plan for such county and any municipalities or special districts or local governmental entities therein not having met the requirements of this act by July 1, 1979, and shall recommend its adoption to the Administration Commission, which shall have authority to adopt the comprehensive plan.

(6) Municipal corporations established after the effective date of this act shall prepare and adopt a comprehensive plan of the type and in the manner set out in this act within three years of the date of such incorporation, provided that no comprehensive plan need be adopted prior to July 1, 1979. A county comprehensive plan adopted prior to or after the date of incorporation shall be deemed controlling until the municipality adopts a comprehensive plan in accord with the provisions of this act. After July 1, 1979, upon the expiration of the three year time limit, if the municipality has not adopted a comprehensive plan and no county comprehensive plan has been adopted, the state land planning agency shall prepare and recommend to the Administration Commission a comprehensive plan for such municipality.

(7) The time limits set out in subsections (2), (3), (4), (5), and (6) of this section shall be extended by the state land planning agency for a period not to exceed one year, upon application to the state land planning agency by the local unit of government involved and on due cause shown that good faith efforts to meet the requirements of this act have been and are being made. In addition to the time extension herein, the state land planning agency shall also extend for one additional time period, not to exceed an additional year, upon application in the same manner and with the same burden of proof as provided for the initial extension.

(8) On or before July 1, 1976, each unit of local government shall officially inform the state land planning agency and the appropriate regional planning agency of its designation of a local planning agency pursuant to section 6 of this act. This time limit shall be extended by the state land planning agency for a period not to exceed one year upon application to the agency, and on due cause shown that good faith efforts to meet the requirements of this act have been and are being made. If the designation has not been made within the required time period, the appropriate county land planning agency pursuant to notification by the state land planning agency in the case of a non-designating municipality or special district, or the state land planning agency in the case of a non-designating county or a non-designating county and non-designating municipalities or special districts therein, shall assume the responsibilities of a local planning agency for the area involved, upon adoption of an ordinance or rule, as the case may be, and after due notification to the governing body of the area involved, until such time as the required designation has been made.

(9) Upon assumption of responsibility under subsection (8) of this section, the state land planning agency shall approve the estimated cost of assumption by a county land planning agency, or shall determine the estimated costs when the state land planning agency is assuming responsibility for a non-designating county. Invoices for costs involved shall be rendered quarterly to the governing body involved and, upon failure to pay such invoices the division or the division upon request of a county land planning agency, as the case may be, is authorized, upon filing proper vouchers with the state comptroller, to request payment from the state comptroller from unencumbered revenue or other tax sharing fund due such non-designating local government from the state for work actually performed; provided the amount of such payment shall not exceed 50 percent of such funds due such local government.

(10) Nothing in this act shall limit or modify the rights of any person to complete any development that has been authorized as a Development of Regional Impact pursuant to chapter 380.

Section 5. Areas under this act.—

(1) When exercising authority under this act, a municipality shall exercise such authority for the total area under its jurisdiction upon the passage of an appropriate ordinance declaring its intent to do so. Unincorporated areas adjacent to incorporated municipalities may be included in the area of municipal jurisdiction for the purposes of this act, if the governing bodies of the municipality and the county in which the area is located agree on the boundaries of such additional areas, procedures for joint action in the preparation and adoption of the comprehensive plan, procedures for the administration of land development regulations or the land development code applicable thereto, and the manner of representation on any joint body or instrument that may be created under the joint agreement. Such joint agreement shall be formally stated and approved in appropriate official action by the governing bodies involved.

(2) A county shall exercise authority under this act for the total unincorporated area under its jurisdiction or in such unincorporated areas as are not included in any joint agreement with municipalities established under the provisions of subsection (1) of this section. A county shall exercise such additional authority over municipalities within its boundaries under the circumstances and as set out in subsection (4) of section 4. The board of county commissioners shall by ordinance declare its intent to exercise the authority set out in this act. In the case of chartered counties, the county may exercise such additional authority over municipalities or districts within its boundaries as is provided for in its charter.

(3) Combinations of municipalities within a county, or counties, or an incorporated municipality or municipalities and a county or counties, or an incorporated municipality or municipalities and portions of a county or counties may jointly exercise the powers granted under the provisions of this act upon formal adoption of an official agreement by the governing bodies involved. No such official agreement shall be adopted by the governing bodies involved until a public hearing with due public notice has been held by each governing body involved on the subject. The general administration of any joint agreement shall be governed by the provisions of s.163.01, Florida Statutes; except, that when there is conflict with this act the provisions of this act shall govern.

(4) The following special districts or local governmental entities created by special or general act of the legislature which include within their jurisdictions land that is within the boundary of one or more counties or municipalities shall exercise the authority of this act consistent with the legislative act under which they are established, over the total area under their respective jurisdictions:

- (a) Reedy Creek Improvement District;
- (b) North Peninsula Zoning District of Volusia County;
- (c) South Peninsula Zoning District of Volusia County;

(d) The Pinellas Planning Council as created by chapter 74-594 and amended by chapters 74-584 and 74-586, Special Acts of Florida.

Such special districts may jointly exercise said authority with municipalities and counties in a manner consistent with subsection (3) of this section. All other special districts, created by special or general act shall provide information, and shall cooperate with the governmental units exercising planning responsibilities pursuant to this act.

Section 6. Local planning agency.—

(1) Local governing bodies, individually, or in combination as provided in section 5, shall designate and establish a "local planning agency". This agency shall prepare the comprehensive plan after hearings to be held after due public notice and shall make recommendations to the governing body regarding the adoption of such plan, or element or portion thereof. The agency may be a local planning commission, the planning department of the local government, or other instrumentality, provided, however, (a) if a joint planning entity is in existence on the effective date of this act which authorizes the governing bodies to promulgate and enforce a land use plan effective throughout the joint planning area that entity shall be the agency for those local governments until such time as the authority of the joint planning entity is modified by law, and (b) in the case of chartered counties, the planning responsibility between the county and the several municipalities therein shall be as stipulated in the charter.

(2) The ordinance establishing the local planning agency shall, if applicable, establish the method of choosing the members of the agency, require the agency to set rules of procedure and to choose its officers, provide a method of financial support for the staffing and the work of the agency; require that all meetings of the agency shall be public meetings and that its records shall be public records, set out the duties and responsibilities of the agency and its relationships to the governing body, and provide for other appropriate matters.

(3) Nothing in this act shall prevent the governing body of an incorporated municipality or county that participates in creating a local planning agency serving two or more jurisdictions from continuing or creating its own local planning agency. A governing body may assign to the local planning agency serving two or more jurisdictions any or all of the functions, powers, and duties of its own local planning agency; thereafter, such functions, powers, and duties shall be exercised by the local planning agency serving two or more jurisdictions, however, the governing body may rescind such assignment upon passage of a resolution at a duly publicized public meeting.

(4) The governing body or bodies may appropriate funds for salaries, fees, and expenses necessary in the conduct of the work of the local planning agency and also establish a schedule of fees to be charged by the agency. To accomplish the purposes and activities authorized by this act, the local planning agency, with the approval of the governing body or bodies and in accord with the fiscal practices thereof, has the authority to expend all sums so appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans, and other sources; provided, acceptance of loans must be approved by the governing bodies involved.

(5) The governing body of a municipality or county or combinations thereof, shall assign to the local planning agency the general responsibility for the conduct of the comprehensive planning program and the preparation of the comprehensive plan, or elements or portions thereof. The governing body in cooperation with the local planning agency may designate any agency, committee, department, or person to prepare the comprehensive plan or any element thereof, but the responsibility for final recommendation of the adoption of such plan to the governing body shall be the responsibility of the local planning

agency. The local planning agency shall monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the governing body such changes in the comprehensive plan as may from time to time be required. The responsibilities, powers, and duties of the local planning agency shall be set out in the ordinance establishing the agency, subject to the particular requirements of this act.

Section 7. Required and optional elements of comprehensive plan; studies and surveys.—

(1) The comprehensive plan shall consist of materials in such descriptive form, written or graphic, as may be appropriate to the prescription of principles, guidelines, and standards for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area.

(2) Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several elements of the comprehensive plan shall be consistent and the comprehensive plan shall be economically feasible.

(3) The economic assumptions on which the plan is based and any amendments thereto shall be analyzed and set out as a part of the plan. Those elements of the comprehensive plan requiring the expenditure of public funds for capital improvements shall carry fiscal proposals relating thereto including, but not limited to, estimated costs, priority ranking relative to other proposed capital expenditures and proposed funding sources.

(4) Coordination of the local comprehensive plan with the comprehensive plans of adjacent municipalities, of the county or adjacent counties or region, and to the state comprehensive plan shall be a major objective of the local comprehensive planning process. To that end, in the preparation of a comprehensive plan or element thereof, and in the comprehensive plan or element as adopted, the governing body shall include a specific policy statement indicating the relationship of the proposed development of the area to the comprehensive plans of adjacent municipalities, of the county or adjacent counties or region, and to the state comprehensive plan, as the case may require and as such adopted plans or plans in preparation may exist.

(5) The comprehensive plan and its elements shall contain policy recommendations for the implementation of the plan and its elements.

(6) In addition to the general requirements of subsections (1) through (5) of this section, the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for housing, business, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. The future land use plan shall include a statement of the standards to be followed in the control and distribution of population densities and building and structure intensity as recommended for the various portions of the area. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to insure development in accord with the principles and standards of the comprehensive plan and this act.

(b) A traffic circulation element consisting of the types, locations, and extent of existing and proposed major thoroughfares and transportation routes.

(c) A general sanitary sewer, solid waste, drainage, and potable water element correlated to principles and guidelines for future land use indicating ways to provide for future potable water, drainage, sanitary sewer, and solid waste requirements for the area. The element may be a detailed engineering plan for such facilities. The element shall describe the problems and needs and the general facilities that will be required for solution of problems and needs.

(d) A conservation element for the conservation, development, utilization, and protection of natural resources in the area including, as the situation may be, air, water, estuarine marshes, soils, beaches, shores, flood plains, rivers, lakes, harbors, forests, fisheries and wildlife, minerals, and other natural and environmental resources.

(e) A recreation and open space element indicating a comprehensive system of public and private sites for recreation, including, but not limited to: natural reservations, parks and playgrounds, parkways, beaches and public access to beaches, open spaces, and other recreational facilities.

(f) A housing element consisting of standards, plans and principles to be followed in the provision of housing for existing residents and the anticipated population growth of the area; the elimination of substandard dwelling conditions; the improvement of existing housing; the provision of adequate sites for future housing including housing for low and moderate income families and mobile homes, with supporting infrastructure and community facilities as described in subsections (6)(c), (7)(e), and (f) of this section; provision for relocation housing, identification of housing for purposes of conservation, rehabilitation or replacement; and formulation of housing implementation programs.

(g) For those units of local government lying in part or in whole in the coastal zone as defined by the Coastal Zone Management Act of 1972, volume 16, United States Code s. 1453(a), a coastal zone protection element, appropriately related to the particular requirements of paragraph (d) and (e) of this subsection, including surveys of existing vegetation types which need to be preserved for natural control of dune and beach erosion and surveys of traditional patterns of public access and use of beach resources, and setting out the policies for:

1. Maintenance, restoration, and enhancement of the overall quality of the coastal zone environment including but not limited to, its amenities and aesthetic values;

2. Continued existence of optimum populations of all species of wildlife;

3. The orderly and balanced utilization and preservation, consistent with sound conservation principles, of all living and nonliving coastal zone resources;

4. Avoidance of irreversible and irretrievable commitments of coastal zone resources;

5. Ecological planning principles and assumptions to be used in the determination of suitability and extent of permitted development; and

6. Proposed management and regulatory techniques. In addition, at least 60 days before the adoption by a governing body of the coastal zone protection element, the governing body shall transmit a copy of the proposed element to the Coastal Coordinating Council or its successor for written comment pursuant to section 9 of this act.

(h) An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, of the county or adjacent counties, of the region and to the state comprehensive plan, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan shall demonstrate consideration of the particular effects of the local plan when adopted upon the development of adjacent municipalities, of the county or adjacent counties, of the region, or on the state comprehensive plan, as the case may require.

(i) A utility element in conformance with the ten year site plan of the Florida Electrical Power Plant Siting Act, Part II, chapter 403.

(j) The optional elements of the comprehensive plan, paragraphs (a) and (b) of subsection (7) of this section, are required elements for those units of local government having populations of greater than 50 thousand, as determined under s.23.019, Florida Statutes.

(7) The comprehensive plan may include the following additional elements, or portions or phases thereof:

(a) As a part of the circulation element of paragraph (b) of subsection (6) of this section or as a separate element, the plan may include a mass transit element showing proposed methods for the moving of people, rights of way, terminals, related facilities, and fiscal considerations for the accomplishment of the element.

(b) As a part of the circulation element or paragraph (b) of subsection (6) of this section or as a separate element, plans for port, aviation and related facilities coordinated with the general circulation and transportation element.

(c) As a part of the circulation element of paragraph (b) of subsection (6) of this section and in coordination with paragraph (e) of subsection (6) of this section, where applicable, a plan element for the circulation of nonautomotive vehicular and pedestrian traffic including bicycle paths and bikeways, exercise trails, riding facilities, and such other matters as may be related to the improvement and safety of movement of all types of vehicular and pedestrian traffic or to recreational aspects of circulation.

(d) As a part of the circulation element of paragraph (b) of subsection (6) of this section or as a separate element, a plan element for the development of off-street parking facilities for motor vehicles and the fiscal considerations for the accomplishment of the element.

(e) A public services and facilities element (not including solid waste, potable water, drainage, and sewer which is a required element under paragraph (c) of subsection (6) or plans required by paragraph (i) of subsection (6) of this section) showing general plans for local utilities, and rights of way easements, and facilities.

(f) A public buildings and related facilities element showing locations and arrangements of civic and community centers, public schools, hospitals, libraries, police and fire stations and other public buildings. This plan element should show particularly how it is proposed to effect coordination with governmental units, such as school boards or hospital authorities, having public development and service responsibilities, capabilities, and potential but not having land development regulatory authority. This element may include plans for architecture and landscape treatment of their grounds.

(g) A recommended community design element which may consist of design recommendations for land subdivision, neighborhood development and redevelopment, design of open space locations, and similar matters, to the end that such recommendations may be available as aids and guides to developers in the future planning and development of land in the area.

(h) A general area redevelopment element consisting of plans and programs for the redevelopment of slums and blighted locations in the area and for community redevelopment, including housing sites, business and industrial sites, public buildings sites, recreational facilities, and for other purposes authorized by law.

(i) A safety element for the protection of residents and property of the area from fire, hurricane, or man-made or natural catastrophe, including features necessary for such protection as evacuation routes and their control in emergency, water supply requirements, minimum road widths, clearances around and elevations of structures, and similar matters.

(j) An historical and scenic preservation element setting out plans and programs for those structures or lands in the area having historical, archaeological, architectural, scenic, or similar significance.

(k) An economic element setting forth principles and guidelines for the commercial and industrial development, if any, and the employment and manpower utilization within the area. The element may detail the type of commercial and industrial development sought, correlated to the present and projected employment needs of the area and to other elements of the plans and may set forth methods by which a balanced and stable economic base will be pursued.

(1) Such other elements as may be peculiar to and necessary for the area concerned and as are added to the comprehensive plan by the governing body upon the recommendation of the local planning agency.

(8) All elements of the comprehensive plan, whether mandatory or optional, shall be based upon data appropriate to the element involved. Surveys and studies utilized in the preparation of the comprehensive plan shall not be deemed a part of the comprehensive plan unless adopted as a part of it. Copies of such studies, surveys, and supporting documents shall be made available to public inspection and copies of such plans shall be made available to the public upon payment of reasonable charges for reproduction.

Section 8. Public participation in the comprehensive planning process.—The governing body shall establish procedures for providing effective public participation in the comprehensive planning process and particularly in the preparation of the comprehensive plan or element or portion thereof. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communications programs, information services, and consideration of and response to public comments.

Section 9. Adoption of comprehensive plan, or element or portion thereof.—

(1) At least 60 days before the adoption by a governing body of a comprehensive plan, or element or portion thereof, or before the adoption of an amendment to a previously adopted comprehensive plan, or element or portion thereof, the governing body shall:

(a) Transmit a copy of the proposed comprehensive plan, or element or portion thereof, to the state land planning agency for written comment. The state land planning agency shall promptly publish the fact of the local government's intended adoption of the comprehensive plan, or element or portion thereof, in the weekly publication required by s.380.06(9), Florida Statutes, and shall indicate therein the date, time, and place of the public hearing to be held thereon. It shall be the responsibility of the state land planning agency to circulate all or appropriate elements of the intended plan to appropriate state agencies for comment and advice;

(b) Transmit a copy of the proposed comprehensive plan, or element or portion thereof, to the regional planning agency having responsibility over the area for written comment;

(c) If it is a municipality, or a unit of local government under subsection (4) of section 5 of this act, a copy of the proposed comprehensive plan, or element or portion thereof, shall be transmitted to the local planning agency of the county for written comment or, if there is no county land planning agency, to the clerk of the circuit court or to the administrative officer of the county commission;

(d) Transmit a copy of the proposed comprehensive plan, or element or portion thereof, to any other unit of local government or governmental agency in the state that has filed with the governing body a request for copies of all proposed comprehensive plans, or elements or portions thereof;

(e) Determine that the local planning agency has held a public hearing on the proposed plan, or element or portion thereof, with due public notice.

(2) Within sixty days, or any longer period to which the governing body has agreed, after a local government has transmitted a proposed comprehensive plan, or element or portion thereof, to the state land planning agency, the state land planning agency shall submit in writing its comments on the proposed comprehensive plan, or element or portion thereof, together with the comments of any state agencies to which the state land planning agency may have referred the plan. The state land planning agency shall specify any objections and may make recommendations for modifications. The review of the state land planning agency shall be primarily in the context of the relationship and effect of the locally submitted plan, or element or portion thereof, to or on the comprehensive plan, or element or portion thereof, under chapter 23, Florida Statutes, and in the context of the impact of the locally submitted plan, or element or portion thereof, on the lawful responsibility of state agencies. If the state land planning agency transmits objections to the proposed comprehensive plan, or element or portion thereof, the governing body shall within four weeks transmit a written statement in reply thereto. The governing body shall take no action to adopt the comprehensive plan, or element or portion thereof, until two weeks have elapsed following the transmittal of the governing body's letter of reply. The written materials of the state land planning agency and the governing body required by this subsection shall become a permanent part of the public record in the matter.

(3) The procedure of subsection (2) of this section shall apply to the regional planning agency. The time sequence of subsections (2) and (3) of this section, shall run concurrently upon appropriate transmittal. Review of the regional planning agency shall be primarily in the context of the relationship and effect of the locally submitted plan, or element or portion thereof, to or on any regional comprehensive plan.

(4) The procedure of subsection (2) of this section shall apply to the county land planning agency. The time sequence of subsections (2) and (4) of this section shall run concurrently upon appropriate transmittal. Review by the county land planning agency shall be primarily in the context of the relationship and effect of the locally submitted plan, or element or portion thereof, to or on any county comprehensive plan, or element or portion thereof.

(5) Any comments, recommendations, or objections of the state land planning agency or the regional or county land planning agencies and any reply thereto shall be public documents, a part of the permanent record in the matter, and admissible in any proceeding in which the comprehensive plan, or element or portion thereof, may be at issue.

(6) The governing body shall consider all comments received from any person, agency, or government. It may adopt, or adopt with changes or amendments, the proposed comprehensive plan, or element or portion thereof, despite any adverse comment received.

(7) By not less than a majority of the total membership of the governing body, the governing body may in a manner prescribed by law adopt the proposed comprehensive plan, or element or portion thereof, or adopt it with changes or amendments. Upon adoption, the governing body shall transmit a copy of the approved comprehensive plan, or element or portion thereof, to the state land planning agency, appropriate regional agency, county land planning agency, and to any other unit of local government which has filed with the governing body a request for copies of adopted comprehensive plans, or elements or portions thereof.

Section 10. Amendment of adopted comprehensive plan.—The procedure for amendment of an adopted comprehensive plan, element or portion thereof, or a specific amendment thereto, shall be as for the original adoption of the comprehensive plan, element, or portion thereof unless a majority vote of the membership of the governing body, after due public notice and a public hearing, adopts a specific amendment to an adopted land use element of a comprehensive plan, other than a comprehensive amendment to the land use element of a comprehensive plan. For the purpose of this section a specific amendment is one which proposes to change a use in the land use element of the adopted comprehensive plan, or proposes to change residential density on a parcel or parcels of land where such parcel or parcels of land comprise less than 5 percent of the land area of the jurisdiction involved. All other amendments to the land use element of the adopted comprehensive plan shall be deemed comprehensive amendments. If any amendment to the land use element would be inconsistent with any other element of the plan previously adopted, the governing body shall also amend such other element and may do so by a vote of a majority of the total membership of the governing body. Corrections, updates, or modifications of current costs which were set out as part of the comprehensive plan shall not for the purposes of this act be deemed to be comprehensive or specific amendments.

Section 11. Evaluation and appraisal of comprehensive plan.—

(1) The planning program shall be a continuous and ongoing process. The local planning agency shall prepare periodic reports on the comprehensive plan which shall be sent to the governing body at least once every five years after the adoption of the comprehensive plan, or element or portion thereof. Reports may be transmitted at lesser intervals as may be required or upon request of the governing body.

(2) The report shall represent an assessment and evaluation of the success or failure of the comprehensive plan, or element or portion thereof, and shall contain appropriate statements (using words, maps, illustrations, or other forms) related to:

(a) The major problems of development, physical deterioration, and the location of land uses and the social and economic effects of such uses in the area;

(b) The condition of each element in the comprehensive plan at the time of adoption and at date of report;

(c) The comprehensive plan objectives as compared with actual results at date of report;

(d) The extent to which unanticipated and unforeseen problems and opportunities occurred between date of adoption and date of report.

(3) The report may also suggest changes in the comprehensive plan, or elements or portions thereof, including reformulated objectives, policies, and standards.

(4) The report shall be transmitted to the state land planning agency, to the regional agency having responsibility over the area, and, for municipalities, to the county planning agency.

(5) Action on the report constitutes action as for an amendment to the comprehensive plan, or portion or element thereof. The governing body may adopt the report, a portion or portions thereof, or may adopt the report with changes or amendments after taking the steps required by section 9 of this act and subject to the limitations of section 10 of this act. The adoption of the report amends the comprehensive plan, or element or portion thereof, to the extent specified in the report required by this section.

Section 12. Legal status of comprehensive plan.—

(1) After a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted. All land development regulations enacted or amended shall be consistent with the adopted comprehensive plan, or element or portion thereof.

(2)(a) After a comprehensive plan for the area, or element or portion thereof, is adopted by the governing body, no land development regulation or land development code or amendment thereto shall be adopted by the governing body until such regulation, code, or amendment has been referred to the local planning agency for review and recommendation as to the relationship of such proposal to the adopted comprehensive plan, or element or portion thereof. Said recommendation shall be made within a reasonable time but no later than two months within the time of reference. If a recommendation is not made within the time provided, then the governing body may act on the adoption.

(b) For purposes of this subsection, "land development regulations" or "regulations for the development of land" include any local government zoning, subdivision, building and construction, or other regulations controlling the development of land. The various types of local government regulations or laws dealing with the development of land within a jurisdiction may be combined in their totality in a single document known as the "land development code" of the jurisdiction.

(3)(a) A court in reviewing local governmental action or development regulations under this act may consider, inter alia, the reasonableness of the comprehensive plan, or element or elements thereof relating to the issue justiciably raised, or the appropriateness and completeness of the comprehensive plan, or element or elements thereof, in relation to the governmental action or development regulation under consideration. The court may consider the relationship of the comprehensive plan, or element or elements thereof, to the governmental action taken or the development regulation involved in litigation, but private property shall not be taken without due process of law and the payment of just compensation.

(b) It is the intent of this act that the comprehensive plan sets general guidelines and principles concerning its purposes and contents and that this act shall be construed broadly to accomplish its stated purposes and objectives.

Section 13. Legal status of prior comprehensive plan.—Where, prior to the effective date of this act, a local government had adopted a comprehensive plan, or element or portion thereof, such adopted plan, or element or portion thereof, shall have such force and effect as it had at the date of adoption and until appropriate action is taken to adopt a new comprehensive plan as required by this act. The prior adopted plan, or element or portion thereof, may be the basis for meeting the requirement of comprehensive plan adoption set out in this act; provided, all requirements of this act are met.

Section 14. Relationship of comprehensive plan to exercise of land development regulatory authority.—It is the intent of this act that adopted comprehensive plans, or elements

thereof, shall be implemented, in part, by the adoption and enforcement of appropriate local regulations on the development of lands and waters within an area. It is the intent of this act that the adoption and enforcement by a governing body of regulations for the development of land or the adoption and enforcement by a governing body of a land development code, as defined in section 12(2)(b) of this act for an area shall be based on, related to, and a means of implementation for an adopted comprehensive plan as required by this act.

Section 15. Cooperation by state and regional agencies.—The interdepartmental coordinating council on community services created by s.20.18(4), Florida Statutes, the staff director of the Coastal Coordinating Council or its successor, and any ad hoc working groups appointed by the chairman of the council, and all regional agencies involved in the administration and implementation of this act shall cooperate and work with units of local government and technical advisory committees in the preparation and adoption of comprehensive plans, or elements or portions thereof.

Section 16. Technical Advisory Committees.—In order to coordinate technical elements of a comprehensive plan and to advise local planning agencies and local governing bodies, each unit of local government shall appoint one person to a Technical Advisory Committee to be established within the jurisdictional boundaries of a single county. Special districts which include within their jurisdictions land that is within the boundary of one or more counties may appoint one person to the Technical Advisory Committee in each county. Members of each committee shall be appointed on the basis of their professional or technical background and each committee shall elect a chairman from among its membership. Committees shall meet from time to time in order to achieve the required coordination and cooperation required by this act.

Section 17. Conflict with other statutes.—Where this act may be in conflict with any other provision or provisions of law relating to local governments having authority to regulate the development of land, the provisions of this act and the adopted comprehensive plan shall govern. Nothing in this act is intended to withdraw or diminish any legal powers or responsibilities of state agencies or change any requirement of existing law that local regulations comply with state standards or rules.

Section 18. Severability.—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 19. This act shall take effect July 1, 1975.

Senator Spicola moved the following amendment to Amendment 1 which was adopted:

Amendment 1A—On page 2, line 2, strike "Growth Management Act of 1975" and insert: Local Government Comprehensive Planning Act of 1975

Senators Vogt, Wilson, and Spicola offered the following amendment to Amendment 1 which was moved by Senator Spicola and adopted:

Amendment 1B—On page 31, strike line 13 and insert: shall govern unless the provisions of this act are met or exceeded by other provision or provisions of law relating to local government. Nothing in

Senator Spicola moved the following amendments to Amendment 1 which were adopted:

Amendment 1C—On page 26, line 16, after "land" strike: "where such parcel or parcels of land comprise less than 5 percent of the land area of the jurisdiction involved" and insert: , provided that either the change in land use or residential density comprises less than 5 percent of the land area of the jurisdiction involved

Amendment 1D—On page 26, line 7 after "unless" insert: by not less than

Senator W. D. Childers presiding

Senators Spicola and Dunn offered the following amendments to Amendment 1 which were moved by Senator Spicola and adopted:

Amendment 1E—On page 12, line 26 after the phrase "other instrumentality," insert: including a council of local government officials created pursuant to s.163.02, Florida Statutes, provided the composition of the council is fairly representative of all the governing bodies in the county or planning area;

Amendment 1F—On page 11-12 strike lines 27-31 on page 11 and lines 1-16 on page 12 and insert: (4) The Reedy Creek Improvement District shall exercise the authority of this act consistent with the legislative act under which it was established over the total area under its jurisdiction. The Reedy Creek Improvement District may jointly exercise said authority with municipalities and counties in a manner consistent with subsection (3) of this section.

Senator Spicola moved the following amendment to Amendment 1 which was adopted:

Amendment 1G—On page 11, line 20, after the word "involved" insert: pursuant to law

Senator Sims moved the following amendment to Amendment 1 which failed:

Amendment 1H—On page 31, between lines 23 and 24 insert: Section 18. Chapter 74-612, Laws of Florida, is repealed. (Renumber subsequent section)

Amendment 1 as amended was adopted.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Spicola and adopted:

Amendment 2—On page 1, line 9 (title), strike "land"

On motion by Senator Spicola, by two-thirds vote HB 782 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Brantley	Henderson	Plante	Thomas, J.
Childers, D.	Holloway	Poston	Vogt
Dunn	Johnston	Renick	Ware
Firestone	Lane, D.	Saylor	Wilson
Gordon	MacKay	Scarborough	Winn
Graham	McClain	Spicola	Zinkil
Hair	Myers	Stolzenburg	

Nays—10

Childers, W. D.	Glisson	Peterson	Trask
Deeb	Lane, J.	Sims	
Gallen	Lewis	Tobiassen	

By unanimous consent Senator P. Thomas was recorded as voting nay; Senator J. Lane changed his vote from nay to yea.

HB 770—A bill to be entitled An act relating to energy; providing for the transfer of the Energy Data Center created by chapter 74-186, Laws of Florida, within the Department of Administration; authorizing the Department of Administration to perform petroleum allocation functions delegated by the federal government; requiring reports of petroleum use; providing for the confidentiality and availability of data; providing additional functions, duties, and rule making authority for the department; requiring the department to assume certain obligations and agreements of the Florida Energy Committee; transferring balances of certain appropriations to the department; repealing chapter 74-188, Laws of Florida, which extended the term of existence of the Florida Energy Committee; providing penalties; providing an effective date.

—was read the second time by title.

Senator Hair moved the following amendment which was adopted:

Amendment 1—On page 2, line 20, after the word "gasoline" insert: and retail fuel oil

On motion by Senator Firestone, by two-thirds vote HB 770 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

By unanimous consent Senators Peterson and Saylor were recorded as voting yea.

Pursuant to Rule 4.16, Senator Vogt gave notice of intention to take up out of order HB 1524.

On motion by Senator Gordon, by two-thirds vote HB 1361 was withdrawn from the Committees on Health and Rehabilitative Services and Ways and Means and placed on the calendar.

SB 1202 was taken up and on motion by Senator Gordon—

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.

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

Senator W. D. Childers moved the following amendments which were adopted:

Amendment 1—On page 10, line 4, strike “solely”

Amendment 2—On page 10, lines 22 and 23, strike “January 1, 1976” and insert: October 1, 1975

On motion by Senator Gordon, by two-thirds vote HB 1361 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—22

Mr. President	Glisson	MacKay	Trask
Brantley	Gordon	McClain	Vogt
Childers, D.	Graham	Myers	Winn
Childers, W. D.	Hair	Poston	Zinkil
Dunn	Holloway	Renick	
Firestone	Lane, D.	Thomas, P.	

Nays—16

Deeb	Lane, J.	Saylor	Stolzenburg
Gallen	Lewis	Scarborough	Thomas, J.
Henderson	Peterson	Sims	Ware
Johnston	Plante	Spicola	Wilson

By unanimous consent Senator Tobiassen was recorded as voting yea.

SB 1202 was laid on the table.

Notice having been given, Senator Vogt requested unanimous consent to take up HB 1524 out of order. Senator Brantley objected.

On motion by Senator MacKay, by two-thirds vote HB 2250 was withdrawn from the Committee on Ways and Means and placed on the calendar.

The President Pro Tempore presiding

SB 1055 was taken up and on motion by Senator MacKay—

HB 2250—A bill to be entitled An act relating to assessment ratio studies; creating subsection (8) of s.20.21, Florida Statutes, providing for the transfer of the Auditor General's assessment ratio division to the Department of Revenue; amending s.195.096, Florida Statutes, 1974 Supplement, relating to audit of assessment rolls, providing for review of assessment rolls on a four-year basis by the division of ad valorem tax; providing that the Auditor General shall have the responsibility to perform postaudits and performance audits; amending s.195.-097(1), Florida Statutes, 1974 Supplement, relating to post-audit review of assessment rolls, deleting reference to the Auditor General; providing an effective date.

—a companion measure was substituted therefor. On motions by Senator MacKay, by two-thirds vote HB 2250 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—1

Firestone

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

SB 1055 was laid on the table.

The President presiding

Senator Saunders moved that the House be requested to return HB 738. The motion failed by the following vote:

Yeas—20

Mr. President	Gordon	MacKay	Scarborough
Brantley	Graham	Myers	Thomas, P.
Dunn	Hair	Peterson	Vogt
Firestone	Holloway	Plante	Wilson
Glisson	Johnston	Saunders	Winn

Nays—20

Childers, D.	Lane, D.	Renick	Thomas, J.
Childers, W. D.	Lane, J.	Saylor	Tobiassen
Deeb	Lewis	Sims	Trask
Gallen	McClain	Spicola	Ware
Henderson	Poston	Stolzenburg	Zinkil

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President May 29, 1975

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

HB 974

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Freeman and Craig—

HB 974—A bill to be entitled An act relating to tax on sales, use and other transactions; creating s.212.085, Florida Statutes; authorizing refund of such taxes paid on special fuels used for commercial fishing purposes; providing limitations on such refunds; authorizing agents of the Department of Revenue to enter premises of persons entitled to refunds or of distributors in the enforcement of the act; prescribing conditions for entitlement to such refunds; providing procedures for receiving such refunds; authorizing deduction of fee for processing claims for refunds; requiring the Department of Revenue, distributors, and persons entitled to refunds to maintain records; requiring such records to be open to inspection; authorizing suspension or revocation of right to such refunds upon violation of provisions of this act; providing an effective date.

—was read the first time by title. On motion by Senator Holloway, the rules were waived and the bill was placed on the calendar.

SB 226 was taken up and on motion by Senator Holloway, HB 974, a companion measure, was substituted therefor. On motions by Senator Holloway by two-thirds vote HB 974 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

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

Nays—11

Deeb	Graham	Myers	Spicola
Dunn	Henderson	Saunders	Wilson
Firestone	MacKay	Scarborough	

On motion by Senator Childers, by two-thirds vote HB 1778 was withdrawn from the Committee on Commerce and placed on the calendar.

On motion by Senator Brantley the Senate proceeded to the consideration of—

EXECUTIVE BUSINESS

By direction of the President, the following reports were read:

Honorable Dempsey J. Barron May 26, 1975
President, The Florida Senate
The Capitol

Dear Mr. President:

The following executive appointments were referred to the Select Committee on Executive Suspensions as "an appropriate select committee" for action pursuant to Rule 12.7(a) of the Rules of The Florida Senate:

- (1) Member, State Board of Cosmetology, District Two
L. Grace Bliss, Auburndale; for term ending June 27, 1976
- (2) Members, Board of Trustees, Florida School for the Deaf and the Blind

- W. Dexter Douglass, Tallahassee; for term ending February 7, 1979
- Pauline Hicks, Jacksonville; for term ending November 19, 1976
- Robert Mason, St. Augustine; for term ending November 7, 1975
- Mary Mauldin, Panama City; for term ending December 10, 1976
- Richard J. Tugg, Miami; for term ending November 20, 1977

- (3) Members, Florida State Fair Authority
 - Walter B. Arnold, Jr., Miami; for term ending July 1, 1977
 - Doyle E. Carlton, Jr., Wauchula; for term ending July 1, 1976
 - Charles M. Davis, Tampa; for term ending July 1, 1978
 - H. Quentin Duff, Hollywood; for term ending July 1, 1975
 - George H. Gage, Jr., Tampa; for term ending July 1, 1978
 - Peter R. Gindl, Cantonment; for term ending July 1, 1977
 - Russell J. Godwin, Jacksonville; for term ending July 1, 1977
 - Ralph Kettler, West Palm Beach; for term ending; July 1, 1975
 - John Henry Logan, Sr., Bryson City; for term ending July 1, 1975
 - Marie Nickels, Miami; for term ending July 1, 1975
 - Bruce M. Robbins, Jr., Tampa; for term ending July 1, 1978
 - Charles R. Smith, Brooksville; for term ending July 1, 1977
 - C. H. Stanton, Orlando; for term ending July 1, 1976
 - E. P. Taliaferro, Tampa; for term ending July 1, 1978
 - T. Torrence, Daytona Beach; for term ending July 1, 1975
 - Latimer H. Turner, Sarasota; for term ending July 1, 1976
 - Parke Wright III, Tampa; for term ending July 1, 1978
- (4) Members, Historic Key West Preservation Board of Trustees
 - James E. Shields, Key West; for term ending October 31, 1978
 - Edward L. Stickney, Key West; for term ending October 31, 1978
- (5) Members, Historic Pensacola Preservation Board of Trustees
 - William Guy Davis, Jr., Pensacola; for term ending September 19, 1978
 - Robert D. Hart, Jr., Pensacola; for term ending September 13, 1978
 - Francis Marion Turner, III, Pensacola; for term ending February 9, 1978
 - Woodrow W. Wilkins, Miami; for term ending September 19, 1975
- (6) Members, Historic St. Augustine Preservation Board of Trustees
 - Michael V. Gannon, St. Augustine; for term ending August 13, 1977
 - Lawrence Lewis, Jr., Richmond, Virginia; for term ending August 4, 1977
 - Henry W. McMillan, St. Augustine; for term ending August 12, 1978
- (7) Member, Board of Trustees, Citrus County Hospital
Randall Jenkins, Inverness; for term ending July 8, 1978
- (8) Members, Northwest Lake County Hospital District Board of Trustees
 - Marian P. Edwards, Leesburg; for term ending October 10, 1977
 - S. L. Kilgore, Leesburg; for term ending October 10, 1976
 - Frederick Norris Paddock, Fruitland Park; for term ending October 10, 1977
 - Beulah M. Savage, Leesburg; for term ending October 10, 1977
 - W. G. Talley, Jr., Leesburg

As required by Rule 12.7(a), the Select Committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the Select Committee held a public hearing at which members of the public were invited to attend and offer evidence con-

cerning the qualifications, experience, and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Select Committee—by a separate vote as to each appointee—respectfully advises and recommends:

- (1) That the executive appointment of the above-named appointees, except Ralph Kettler and W. G. Talley, Jr., to the office and for the term of office indicated, be confirmed by the Senate.
- (2) That Senate action on said appointments be taken prior to adjournment of the 1975 Regular Session.
- (3) That the Senate take "no action" to confirm or reject the appointment of Ralph Kettler to the office of Member, Florida State Fair Authority, because said appointee is now deceased.
- (4) That the Senate take "no action" to confirm or reject the appointment of W. G. Talley, Jr., to the office of Member, Northwest Lake County Hospital District, Board of Trustees, because the Select Committee finds that he has failed or refused to qualify for office as required by law.
- (5) That there is no necessity known to the Select Committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
EDGAR M. DUNN, JR., Chairman
GEORGE FIRESTONE, Vice
 Chairman
MATTOX HAIR
VERNON C. HOLLOWAY
WALTER SIMS

Honorable Dempsey J. Barron
 President, The Florida Senate
 The Capitol

May 26, 1975

Dear Mr. President:

The following executive appointments were referred to the Select Committee on Executive Suspensions as "an appropriate select committee" for action pursuant to Rule 12.7(a) of the Rules of The Florida Senate:

- (1) Member, Tampa-Hillsborough County Expressway Authority
J. O. Driggers, Brandon; for term ending July 1, 1975
- (2) Member, Board of Funeral Directors and Embalmers, District Five
L. Don Combs, Boynton Beach; for term ending July 22, 1976
- (3) Member, Board of Funeral Directors and Embalmers, District Two
Ronald T. Giddens, Jacksonville; for term ending July 18, 1978
- (4) Member, Board of Funeral Directors and Embalmers, District Four
Wilbur A. Steen, Jr., Lakeland; for term ending July 25, 1976
- (5) Member, State Board of Funeral Directors and Embalmers
Everett H. Williams, Jr., Jacksonville; for term ending October 2, 1978
- (6) Members, State Board of Independent Colleges and Universities
Philip F. Ashler, Tallahassee; for term ending August 17, 1977
Cleo S. Higgins, Daytona Beach; for term ending August 24, 1975
Frederick B. Karl, Tallahassee; for term ending August 18, 1974
Frederick B. Karl, Tallahassee; for term ending August 18, 1977

Members, Board of Trustees, of the following

- (7) Brevard Community College
Palmer W. Collins, Indian Harbour Beach; for term ending May 31, 1978

- George F. Schlatter, Melbourne; for term ending May 31, 1978
- (8) Broward Community College
John H. Payne, Fort Lauderdale; for term ending May 31, 1975
- (9) Central Florida Community College
Marjorie R. Renfro, Ocala; for term ending May 31, 1978
Robert Purdy Rodgers, Chiefland; for term ending May 31, 1978
- (10) Chipola Junior College
Paul J. Eubanks, Bristol; for term ending May 31, 1978
James S. Sheffield, Marianna; for term ending May 31, 1978
- (11) Daytona Beach Community College
Benjamin Watkin Lacy, Jr., Bunnell; for term ending May 31, 1977
Lewis E. Wadsworth, III, Bunnell; for term ending May 31, 1978
George Roger Williams, Sr., DeLand; for term ending May 31, 1977
- (12) Edison Community College
Ida S. Baker, Fort Myers; for term ending May 31, 1978
Agnes Elizabeth Craighead, Punta Gorda; for term ending May 31, 1978
Jody Tharp Hendry, Fort Myers; for term ending May 31, 1975
Holland T. Salley, Naples; for term ending May 31, 1978
- (13) Florida Junior College at Jacksonville
Albert J. Bauknecht, Jacksonville; for term ending May 31, 1977
Jewell Haddock, Jacksonville; for term ending May 31, 1978
Claude L. Rucker, Jr., Fernandina Beach; for term ending May 31, 1978
Charles E. Simmons, Jr., Jacksonville; for term ending May 31, 1978
- (14) Florida Keys Community College
Leo M. Haskins, Jr., Key West; for term ending May 31, 1978
Carl N. Taylor, Key West; for term ending May 31, 1978
- (15) Gulf Coast Community College
W. D. Carter, Panama City; for term ending May 31, 1978
George G. Tapper, Port St. Joe; for term ending May 31, 1978
William E. Welliver, Panama City; for term ending May 31, 1978
- (16) Hillsborough Community College
Hilman, F. Bowden, Plant City; for term ending May 31, 1978
Marlene M. Smith, Tampa; for term ending May 31, 1978
- (17) Indian River Community College
James W. Coffey, Vero Beach; for term ending May 31, 1978
Ben F. Dixon, Okeechobee; for term ending May 31, 1978
William L. Hendry, Okeechobee; for term ending May 31, 1978
Ira M. McAlpin, Jr., Fort Pierce; for term ending May 31, 1978
- (18) Lake City Community College
Leroy Bowdoin, Trenton; for term ending May 31, 1978
E. P. Greene, Cross City; for term ending May 31, 1978
- (19) Lake-Sumter Community College
Robert Carbaugh, Tavares; for term ending May 31, 1978
Philip D. Conant, Umatilla; for term ending May 31, 1977
Robert Roy Meador, Jr., Leesburg; for term ending May 31, 1978
Arthur E. Roberts, Groveland
- (20) Manatee Junior College
Hal Chasey, Palmetto; for term ending May 31, 1978
- (21) Miami-Dade Community College
Jack Kassewitz, Coral Gables; for term ending May 31, 1978
Garth C. Reeves, Miami; for term ending May 31, 1978
- (22) North Florida Junior College
Laura C. Helvenston, Live Oak; for term ending May 31, 1978

- James C. Miller, Madison; for term ending May 31, 1978
Norman O. Protsman, Live Oak; for term ending May 31, 1978
- (23) Okaloosa-Walton Junior College
Samuel A. Allen, Crestview; for term ending May 31, 1978
Archie N. Anderson, Ponce de Leon; for term ending May 31, 1978
William A. Young, DeFuniak Springs; for term ending May 31, 1978
- (24) Palm Beach Junior College
Robert L. Smith, West Palm Beach; for term ending May 31, 1978
- (25) Pasco-Hernando Community College
S. C. Bexley, Jr., Land O'Lakes; for term ending May 31, 1978
Roy F. Corrigan, New Port Richey; for term ending May 31, 1978
James H. Kimbrough, Brooksville
Leland Porter McKeown, Brooksville; for term ending May 31, 1978
- (26) Pensacola Junior College
John R. Broxson, Gulf Breeze; for term ending May 31, 1978
- (27) Polk Community College
H. George Burke, Jr., Bartow; for term ending May 31, 1978
- (28) St. Johns River Junior College
William R. Cotton, Hastings; for term ending May 31, 1978
Frank M. Hancock, Palatka; for term ending May 31, 1978
Robert E. Hudson, Palatka; for term ending May 31, 1977
Melba K. Ilgen, Keystone Heights; for term ending May 31, 1978
- (29) St. Petersburg Junior College
Philip Benjamin, St. Petersburg; for term ending May 31, 1978
Beatrice F. Lewis, Clearwater; for term ending May 31, 1978
- (30) Santa Fe Community College
J. Milton Brownlee, Gainesville; for term ending May 31, 1978
Stephen G. Denmark, Starke; for term ending May 31, 1978
James G. Feiber, Jr., Gainesville; for term ending May 31, 1978
- (31) Seminole Junior College
John Daniels, Sanford; for term ending May 31, 1978
Carolyn P. Stenstrom, Sanford; for term ending May 31, 1978
- (32) South Florida Junior College
Daniel R. Evers, Avon Park; for term ending May 31, 1978
Elver M. Hodges, Wauchula; for term ending May 31, 1978
Samuel C. Nixon, Jr., Sebring; for term ending May 31, 1978
- (33) Tallahassee Community College
Charlie M. Macon, Greensboro; for term ending May 31, 1978
Clarence L. Morrison, Crawfordville; for term ending May 31, 1978
James N. Tookes, Tallahassee; for term ending May 31, 1978
Harriet M. Wilson, Tallahassee; for term ending May 31, 1975
- (34) Valencia Community College
Barbara Griffin Lupfer, Kissimmee; for term ending May 31, 1977
Raymer F. Maguire, Jr., Orlando; for term ending May 31, 1978
Anne M. McKinnon, Winter Garden, for term ending May 31, 1978
Murray W. Overstreet, Jr., Kissimmee; for term ending May 31, 1976
Joseph Bennett Shirah, St. Cloud, for term ending May 31, 1978

As required by Rule 12.7(a), the Select Committee caused to be conducted an inquiry into the qualifications, experience,

and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the Select Committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Select Committee—by a separate vote as to each appointee—respectfully advises and recommends:

- (1) That the executive appointment of the above-named appointees, except Arthur E. Roberts, and James H. Kimbrough, to the office and for the term of office indicated, be *confirmed* by the Senate.
- (2) That Senate action on said appointments be taken prior to adjournment of the 1975 Regular Session.
- (3) That the Senate take "no action" to confirm or reject the appointment of Arthur E. Roberts to the office of Member, Board of Trustees, Lake-Sumter Community College, because the Select Committee finds that he has failed or refused to qualify for office as required by law.
- (4) That the Senate take "no action" to confirm or reject the appointment of James H. Kimbrough to the office of Member, Board of Trustees, Pasco-Hernando Community College, because the Select Committee finds that he has failed or refused to qualify for office as required by law.
- (5) That there is no necessity known to the Select Committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
EDGAR M. DUNN, JR.,
Chairman
GEORGE FIRESTONE,
Vice Chairman
MATTOX HAIR
VERNON C. HOLLOWAY
WALTER SIMS

Honorable Dempsey J. Barron
President, The Florida Senate
The Capitol

May 26, 1975

Dear Mr. President:

The following executive appointments were referred to the Select Committee on Executive Suspensions as "an appropriate select committee" for action pursuant to Rule 12.7(a) of the Rules of The Florida Senate:

- (1) Commissioner for the Promotion of Uniformity of Legislation
Edward I. Cutler, Tampa; for term ending June 5, 1975
- (2) Member, Board of Examiners of Nursing Home Administrators
Fred W. Alsup, St. Petersburg; for term ending January 22, 1976
- (3) Members, Jacksonville Port Authority
C. W. Beaufort, Jacksonville; for term ending September 30, 1974
Charles Wm. Beaufort, Jacksonville; for term ending September 30, 1978
Carl R. Gardner, Jacksonville; for term ending October 1, 1975
- (4) Member, Ponce de Leon Port Authority
Byron S. Hollinshead, New Smyrna Beach
- (5) Members, Tampa Port Authority
Louis Hautzig, Tampa; for term ending November 25, 1977
William Vaughn Simms, Tampa; for term ending November 14, 1978
- (6) Member, Everglades Recreational Planning Board
George Desharnais, Hialeah; for term ending Pleasure of the Governor
- (7) Member, Jacksonville Transportation Authority, Duval County
Wesley C. Paxson, Jacksonville; for term ending August 1, 1978

- (8) **Member, Pinellas County Transportation Authority**
Frank Pierce, St. Petersburg; for term ending Pleasure of the Governor
- (9) **Secretary, Department of Transportation**
Thomas B. Webb, Jr., Tallahassee; for term ending Pleasure of the Governor
- (10) **Member, Governing Board, Northwest Florida Water Management District**
E. J. Gibbs Sr., Pensacola; for term ending July 1, 1975
- (11) **Member, Alafia River Basin Water Management Board, Southwest Florida Water Management District**
Patricia I. Odiorne, Brandon; for term ending June 30, 1975
- (12) **Members, Hillsborough River Basin Water Management Board**
Robert James Courtney, Tampa
John B. Sargeant, Lakeland, for term ending June 30, 1977
- (13) **Members, Northwest Hillsborough County Basin Water Management Board**
Frank D. Jackson, II, Tampa; for term ending June 30, 1976
Richard R. Powell, Tampa; for term ending June 30, 1977
- (14) **Members, Governing Board, Southwest Florida Water Management District**
John A. Anderson, St. Petersburg; for term ending July 1, 1978
Joe E. Hill, Leesburg; for term ending July 1, 1978
Ronald B. Lambert, Wauchula; for term ending July 1, 1978
Thomas M. Vander Veer, Yankeetown; for term ending July 1, 1978
- (15) **Members, Pinellas County-Anclote River Basin Water Management Board**
W. Don Carr, St. Petersburg; for term ending June 30, 1976
Anthony J. Velong, Tarpon Springs
- (16) **Member, Oklawaha River Basin Water Management Board**
William E. Burleigh, Tavares; for term ending June 30, 1977
- (17) **Member, Peace River Basin Water Management Board of the Southwest Florida Water Management District**
Vasco Peeples, Punta Gorda; for term ending June 30, 1976
- (18) **Members, Waccasassa River Basin Water Management Board**
Clarence E. Mills, Ocala
Murray Read, Trenton; for term ending June 30, 1977
- (19) **Member, Withlacoochee River Basin Water Management Board**
Robert W. Carlton, Brooksville; for term ending June 30, 1977
- (20) **Member, Governing Board of the Central and Southern Florida Flood Control District**
Robert W. Padrick, Fort Pierce
- (21) **Members, Manasota Basin Board, Ridge and Lower Gulf Coast Water Management District**
Kenneth A. Barnebey, Bradenton; for term ending June 30, 1977
J. Lynn Harrison, Arcadia; for term ending June 30, 1977
Betty T. Rushton, Sarasota; for term ending June 30, 1977
Michael E. Stuart, Sarasota; for term ending June 30, 1977

As required by Rule 12.7(a), the Select Committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the Select Committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Select Committee—by a separate vote as to each appointee—respectfully advises and recommends:

- (1) That the executive appointment of the above named appointees, except Byron S. Hollinshead, Robert James

Courtney, Anthony J. Velong, Clarence E. Mills, and Robert W. Padrick to the office and for the term of office indicated, be *confirmed* by the Senate.

- (2) That Senate action on said appointments be taken prior to adjournment of the 1975 Regular Session.
- (3) That the Senate take “no action” to confirm or reject the appointment of Byron S. Hollinshead to the office of Member, Ponce De Leon Port Authority, because the Select Committee finds that he has failed or refused to qualify for the office as required by law.
- (4) That the Senate take “no action” to confirm or reject the appointment of Robert James Courtney to the office of Member, Hillsborough River Basin Water Management Board, because the Select Committee finds that he has failed or refused to qualify for office as required by law.
- (5) That the Senate take “no action” to confirm or reject the appointment of Anthony J. Velong to the office of Member, Pinellas County-Anclote River Basin Water Management Board, because the Select Committee finds that he has failed or refused to qualify for office as required by law.
- (6) That the Senate take “no action” to confirm or reject the appointment of Clarence E. Mills to the office of Member, Waccasassa River Basin Water Management Board, because the Select Committee finds that he has failed or refused to qualify for office as required by law.
- (7) That the Senate take “no action” to confirm or reject the appointment of Robert W. Padrick to the office of Member, Governing Board of the Central and Southern Florida Flood Control District, because the Select Committee finds that he has failed or refused to qualify for office as required by law.
- (8) That there is no necessity known to the Select Committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
EDGAR M. DUNN, JR., Chairman
GEORGE FIRESTONE,
Vice Chairman
MATTOX HAIR
VERNON C. HOLLOWAY
WALTER SIMS

Honorable Dempsey J. Barron
President, The Florida Senate
The Capitol

May 28, 1975

Dear Mr. President:

The following executive appointments were referred to the Select Committee on Executive Suspensions as “an appropriate select committee” for action pursuant to Rule 12.7(a) of the Rules of The Florida Senate:

- (1) **Secretary, Department of Administration**
J. H. Williams, Tallahassee; for term ending Pleasure of the Governor
- (2) **Director, Division of Administrative Hearings**
Kenneth Oertel, Tallahassee; for term ending Pleasure of the Administrative Commission
- (3) **Members, Assessment Administration Review Commission**
Gary S. Brooks, Miami; for term ending January 2, 1979
Robert J. Serfling, Tallahassee; for term ending January 2, 1979
Levie D. Smith, Jr. Lakeland; for term ending January 2, 1979
- (4) **Brigadier General, Florida Army National Guard, Charles R. Willis, St. Augustine; for term ending Pursuant to Chapter 250.12, Florida Statutes**
- (5) **Member, Florida Board of Building Codes and Standards as a Licensed Plumbing Contractor**

- Edward B. Balme, Boca Raton; for term ending January 31, 1979
- (6) Member, Florida Board of Building Codes and Standards as a City or Enforcement District Official
Paul R. Brautigam, Fort Lauderdale; for term ending January 9, 1977
 - (7) Member, Florida Board of Building Codes and Standards representing electrical contractors
Vincent L. Burkhardt, West Palm Beach
 - (8) Member, Florida Board of Building Codes and Standards as the Representative from a State Agency
Charles Eugene Chick, Tallahassee; for term ending March 11, 1977
 - (9) Member, Florida Board of Building Codes and Standards as the City or Enforcement District Official
Thomas E. George, St. Petersburg; for term ending January 23, 1979
 - (10) Member, Florida Board of Building Codes and Standards as the County Code Enforcement Official
LaRue John Hastings, Ocala; for term ending January 6, 1977
 - (11) Member, Florida Board of Building Codes and Standards as the General Contractor
J. Haden McCormick, Jacksonville Beach; for term ending February 11, 1977
 - (12) Member, Florida Board of Building Codes and Standards as a City Official
Thomas M. Moses, Lake Buena Vista; for term ending January 15, 1979
 - (13) Member, Florida Board of Building Codes and Standards as the Residential Contractor
J. Stanley Shirah, Ormond Beach; for term ending January 21, 1979
 - (14) Member, Florida Board of Building Codes and Standards as a licensed sheet metal, air conditioning or roofing contractor
Morris Swope, Tampa; for term ending May 2, 1979
 - (15) Member, Florida Board of Building Codes and Standards as the Structural Engineer
Christopher G. Tyson, Coral Gables; for term ending January 13, 1977
 - (16) Member, Florida Board of Building Codes and Standards as the Representative from the Florida Council of Handicapped
Denny R. Wood, Miami; for term ending February 7, 1977
 - (17) Member, Career Service Commission
Jerry P. DeGarmo, Titusville
 - (18) Members, Civil Service Board, Escambia County
Anthony J. Ciano, Pensacola; for term ending March 15, 1979
J. L. Taylor, Pensacola; for term ending February 15, 1979
 - (19) Members, Public Employees Relations Commission
Joseph Brandschain, West Palm Beach; for term ending July 1, 1975
Charles E. Freeman, Tallahassee; for term ending July 1, 1978
William Rose, Oldsmar; for term ending July 1, 1977
Russell A. Smith, Naples; for term ending July 1, 1975
Vernon L. Stouffer, Fort Lauderdale; for term ending July 1, 1976
 - (20) Members, Commission on Ethics
W. George Allen, Fort Lauderdale; for term ending July 1, 1975
LeRoy Collins, Tallahassee; for term ending July 1, 1976
E. Harris Drew, Tallahassee; for term ending July 1, 1975
Charlotte F. Hubbard, Dunedin; for term ending July 1, 1975
James L. Pleitz, Pensacola; for term ending July 1, 1975
 - (21) Members, Fire Fighters Standards Council
Paul Pennington, Orlando; for term ending September 10, 1978
Charles R. Robinette, Tallahassee; for term ending September 14, 1978

As required by Rule 12.7(a), the Select Committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the Select

Committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Select Committee—by a separate vote as to each appointee—respectfully advises and recommends:

- (1) That the executive appointment of the above named appointees, except Kenneth Oertel, Vincent L. Burkhardt, Jerry P. DeGarmo, Charles E. Freeman, Paul Pennington, and Charles R. Robinette, to the office and for the term of office indicated, be *confirmed* by the Senate.
- (2) That Senate action on said appointments be taken prior to adjournment of the 1975 Regular Session.
- (3) That the Senate take “no action” to confirm or reject the appointment of Kenneth Oertel to the office of Director, Division of Administrative Hearings, because the Select Committee finds that he has failed or refused to qualify for office as required by law.
- (4) That the Senate take “no action” to confirm or reject the appointment of Vincent L. Burkhardt to the office of Member, Florida Board of Building Codes and Standards representing electrical contractors, because the Select Committee finds that he has failed or refused to qualify for office as required by law.
- (5) That the Senate take “no action” to confirm or reject the appointment of Jerry P. DeGarmo to the office of Member, Career Service Commission, because the Select Committee finds that he has failed or refused to qualify for office as required by law.
- (6) That the Senate take “no action” to confirm or reject the appointment of Charles E. Freeman to the office of Member, Public Employees Relations Commission, because the Select Committee finds that he has tendered his resignation.
- (7) That the Senate refuse to confirm the appointment of Paul Pennington to the office of Member, Fire Fighters Standards Council, Department of Community Affairs, because he does not meet the qualifications prescribed in Section 163.471(1), Florida Statutes, for the office to which he was appointed. The Select Committee finds that Paul Pennington was appointed as one of the nine members of the Council to serve as a nonaligned or “consumer” member of the Council, i.e., one who is not a fire fighter, a fire chief or a fire officer; and that Paul Pennington is, and was at the time of his appointment, a retired fire chief. In the opinion of the Select Committee, the appointment of a retired fire chief as the “consumer” or *citizen member* of the Council violates the spirit and legislative intent of Section 163.471(1), Florida Statutes, and thus should not be approved or condoned by the Senate.
- (8) That the Senate refuse to confirm the appointment of Charles R. Robinette to the office of Member, Fire Fighters Standards Council, Department of Community Affairs, because he does not meet the qualifications prescribed in Section 163.471(1), Florida Statutes, for the office to which he was appointed. The Select Committee finds that Charles R. Robinette was appointed as one of the nine members of the Council, to serve as a non-aligned or “consumer” member of the Council, i.e., one who is not a fire fighter, a fire chief or a fire officer; and that Charles R. Robinette is and was on the date of his appointment employed as a *fire defense coordinator* by the Division of Forestry, Department of Agriculture and Consumer Services which job involves the coordination of federal fire programs with local fire departments.

Respectfully submitted,
EDGAR M. DUNN, JR.
Chairman
GEORGE FIRESTONE
Vice Chairman
MATTOX HAIR
VERNON C. HOLLOWAY
WALTER SIMS

Honorable Dempsey J. Barron
President, The Florida Senate
The Capitol

May 28, 1975

Dear Mr. President:

The following executive appointments were referred to the Select Committee on Executive Suspensions as "an appropriate select committee" for action pursuant to Rule 12.7(a) of the Rules of The Florida Senate:

- (1) **Member, Florida Board of Building Codes and Standards as the Mechanical Contractor**
James R. Henry, Jr., Sarasota; for term ending February 3, 1979
- (2) **Members, Board of Business Regulation**
J. H. Baroco, Pensacola; for term ending Pleasure of the Governor
James W. Kynes, Tampa; for term ending Pleasure of the Governor
Richard A. Pallot, Miami; for term ending Pleasure of the Governor
Thomas R. Pledger, West Palm Beach; for term ending Pleasure of the Governor
W. M. Sanderlin, Orlando; for term ending Pleasure of Governor
- (3) **Member, Citrus Commission, State at Large**
David O. Hamrick, Bradenton; for term ending May 31, 1977
- (4) **Member, Citrus Commission, District One**
John T. Lesley, Tampa; for term ending May 31, 1977
- (5) **Member, Citrus Commission, District Seven**
R. V. Phillips, Haines City; for term ending May 31, 1976
- (6) **Member, Citrus Commission, District Five**
Danforth K. Richardson, Vero Beach; for term ending May 31, 1977
- (7) **Member, Citrus Commission, District Seven**
Charles M. Shinn, Jr., Winter Haven; for term ending May 31, 1977
- (8) **Secretary, Department of Commerce of the State of Florida**
Edward J. Trombetta, Tallahassee; for term ending Pleasure of the Governor
- (9) **Secretary, Department of Community Affairs of the State of Florida**
William H. Ravenell, Tallahassee; for term ending Pleasure of the Governor
- (10) **Member, Board of Trustees, Florida School for the Deaf and the Blind**
Grace C. Park, Winter Park; for term ending November 13, 1977
- (11) **Members, Tampa-Hillsborough County Expressway Authority**
H. L. Culbreath, Tampa; for term ending July 1, 1978
George R. McElvy, Tampa; for term ending July 1, 1976
Theodore C. Taub, Tampa; for term ending July 1, 1977
- (12) **Members, Florida State Fair Authority**
Charles P. Lykes, Tampa; for term ending July 1, 1978
Jack G. Whiddon, Tallahassee; for term ending July 1, 1976
- (13) **Members, Industrial Relations Commission**
Leonard A. Carson, Tallahassee; Chairman, for term ending Pleasure of the Governor
Elmer O. Friday, Jr., Tallahassee; for term ending Pleasure of the Governor
Leander J. Shaw, Jr., Tallahassee; for term ending Pleasure of the Governor
- (14) **Member, Board of Trustees, Hillsborough Community College**
Marcelino Huerta, Jr., Tampa; for term ending May 31, 1975
- (15) **Member, Board of Trustees, Pensacola Junior College**
Katie Barrineau, Pensacola; for term ending May 31, 1978
- (16) **Secretary, Department of Professional and Occupational Regulation**
Douglas L. Stowell, Tallahassee; for term ending Pleasure of the Governor
- (17) **Member, Parole and Probation Commission**
Anabel P. Mitchell, Tallahassee; for term ending March 10, 1981
Charles J. Scriven, Tallahassee; for term ending March 24, 1981
- (18) **Member, Board of Pilot Commissioners for the Port of Palm Beach**
George W. Fizell, Riviera Beach; for term ending September 29, 1977
- (19) **Member, Board of Pilot Commissioners for the Port of Panama City**
M. L. Flora, Panama City; for term ending June 14, 1977
- (20) **Member, Board of Pilot Commissioners for the Port of Tampa**
Jimmy Jay Coplon, Tampa; for term ending June 16, 1975
- (21) **Members, Pollution Control Board**
W. D. Frederick, Jr., Orlando; for term ending Pleasure of the Governor
Y. E. Hall, Jacksonville; for term ending Pleasure of the Governor
Y. E. Hall, Jacksonville; for term ending Pleasure of the Governor
Mark D. Hollis, Lakeland; for term ending Pleasure of the Governor
John Robert Middlemas, Panama City; for term ending Pleasure of the Governor
Susan Uhl Wilson, Miami; for term ending Pleasure of the Governor
- (22) **Member, Board of Regents**
Marshall S. Harris, Miami; for term ending January 1, 1984
- (23) **Members, State Board of Independent Post-Secondary Vocational, Technical, Trade and Business Schools**
Castle A. Barringer, Jr., Jacksonville; for term ending July 1, 1977
D. John Benanti, Tampa; for term ending July 1, 1977
L. Nelson Donnell, Cocoa; for term ending July 1, 1976
Irving Goldstein, Miami; for term ending July 1, 1975
Jack H. Jones, Jacksonville; for term ending July 1, 1977
Mark K. Wheeler, Ft. Lauderdale; for term ending July 1, 1976
- (24) **Member, Governing Board of the Southwest Florida Water Management District**
S. C. Bexley, Jr., Land O' Lakes; for term ending July 1, 1978
- (25) **Member, Pithlachascootee River Basin Water Management Board**
Theodore S. Coogler, Brooksville; for the term ending June 30, 1977
- (26) **Member, Withlacoochee River Basin Water Management Board of the Southwest Florida Water Management District**
Francis O. Oden, Inverness; for term ending June 30, 1977
- (27) **Member, Board of the Sumter County Recreation and Water Conservation and Control Authority**
Glenn Franklin Wade, Bushnell; for term ending October 9, 1977

As required by Rule 12.7(a), the Select Committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the Select Committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Select Committee—by a separate vote as to each appointee—respectfully advises and recommends:

- (1) That the executive appointment of the above-named appointees, except W. D. Frederick, Jr., Y. E. Hall, Mark D. Hollis, John Robert Middlemas, and Susan Uhl Wilson to the office and for the term of office indicated, be *confirmed* by the Senate.

- (2) That Senate action on said appointments be taken prior to adjournment of the 1975 Regular Session.
- (3) That the Senate take "no action" to confirm or reject the appointments of **W. D. Frederick, Jr., Mark D. Hollis, John Robert Middlemas, and Susan Uhl Wilson** to the office of Member, Pollution Control Board, because the Select Committee finds that CS/CS/SB 123 abolishes the Department of Pollution Control from which is formed the Pollution Control Board.
- (4) That the Senate take "no action" to confirm or reject the appointments of **Y. E. Hall** to the office of Member, Pollution Control Board, because the Select Committee finds that he has tendered his resignation.
- (5) That there is no necessity known to the Select Committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
EDGAR M. DUNN, JR.
 Chairman
GEORGE FIRESTONE
 Vice Chairman
MATTOX HAIR
VERNON C. HOLLOWAY
WALTER SIMS

Senator Plante moved that the Senate do approve and confirm the appointments recommended for confirmation by the committee in the foregoing five reports. The vote was:

Yeas—32

Mr. President	Dunn	Graham	Lane, J.
Brantley	Firestone	Hair	Lewis
Childers, W. D.	Gallen	Henderson	MacKay
Deeb	Glisson	Holloway	McClain

Myers	Renick	Stolzenburg	Trask
Peterson	Sayler	Thomas, J.	Vogt
Plante	Sims	Thomas, P.	Wilson
Poston	Spicola	Tobiassen	Zinkil

Nays—None

ENGROSSING REPORTS

Your Engrossing Clerk has incorporated amendments to—			
SB 115	SB 332	SB 513	SB 954
SB 60	SB 336	SB 556	SB 1106
SB 80	SB 370	SB 567	SB 1280
SB 154	SB 380	SB 620	SB 1363
SB 185	SB 382	SB 746	
SB 290	SB 451	SB 777	

Joe Brown, Secretary

The bills were certified to the House after engrossing.

The Journal of May 28 was corrected and approved.

The Journal of May 27 was further corrected and approved as follows:

Page 408, column 1, strike line 9 and insert: by which each county bears a portion of the cost of such com-

CO-INTRODUCERS

Senators Stolzenburg and Renick were recorded as co-introducers of SB 440, Senators Deeb and J. Thomas as co-introducers of SB 309.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 9:55 p.m. to convene at 9:00 a.m., May 30, 1975.