



Journal of the Senate

Number 24

Wednesday, March 10, 1982

BILL ACTION SUMMARY

Wednesday, March 10, 1982

H	16	Reconsidered, Passed as amended, Immediately certified
H	34	Concurred, Passed as amended
H	43	Passed as amended
H	146	Substituted for SB 412, Passed as amended
H	188	Passed
H	268	Substituted for SB 206, Passed
H	294	Substituted for SB 394, Passed
H	387	Substituted for C/S SB 767, Passed
H	765	Passed
S	54	Amendment pending
S	105	C/S passed as amended
S	140	Returned to House, Received back from House with Amendments
S	165	C/S passed as amended
S	206	Iden./Sim. House Bill substituted, passed; refer to HB 268
S	213	Passed
S	293	Concurred, Passed as amended
S	345	C/S passed
S	387	Passed as amended
S	394	Iden./Sim. House Bill substituted, passed; refer to HB 294
S	412	Iden./Sim. House Bill substituted; refer to HB 146
S	629	Passed as amended
S	767	Iden./Sim. House Bill substituted; refer to C/S HB 387
S	1023	Adopted, immediately certified

and passed the following local Bills: S 1019 and House Bills - 271, 392, 487, 557, 668, 709, 803, 814, 886, 891, 892, 893, 894, 927, 961 and 967.

INTRODUCTION AND REFERENCE OF BILLS

First Reading

The following bills are offered for introduction. This constitutes first reading as provided in Article III, Section 7 of the Constitution and the bills are referred as indicated.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended House Bills 672 and 858 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Weinstock—

HB 672—A bill to be entitled An act relating to public records; amending s. 119.01, Florida Statutes; directing agencies to adopt rules for the disposal of certain records; amending s. 119.021, Florida Statutes; providing for the designation of custodians of public records; amending s. 119.031, Florida Statutes; providing requirements for the storage of vital, permanent, or archival records; amending s. 119.041, Florida Statutes; providing requirements for the destruction of records; amending s. 119.09, Florida Statutes; directing that public officials shall prepare an inventory of records in their custody and that the Division of Archives, History and Records Man-

agement shall establish a time period for the retention or disposal thereof; providing an effective date.

—was referred to the Committee on Governmental Operations.

By Representative Bankhead—

HB 858—A bill to be entitled An act relating to motor vehicle licenses; amending s. 320.07(2)(a), Florida Statutes, providing that tax-exempt license plates may be used on certain driver education vehicles; providing an effective date.

—was referred to the Committee on Transportation.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 151 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Crotty—

HB 151—A bill to be entitled An act relating to unemployment compensation; adding subsection (7) to s. 443.151, Florida Statutes, providing that, in any administrative proceeding under the Unemployment Compensation Law, an employer or a claimant may be represented by an authorized representative or counsel; providing an effective date.

—was referred to the Committees on Commerce and Judiciary-Civil.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 502 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Natural Resources and Representatives Carlton and Gardner—

CS for HB 502—A bill to be entitled An act relating to environmental control; amending s. 403.087(5), Florida Statutes, providing for permit fees to be established by the Department of Environmental Regulation on a sliding scale; creating s. 403.0871, Florida Statutes; establishing a trust fund and directing that specified permit fees be deposited therein; providing an interim fee; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; Appropriations; and Finance, Taxation and Claims.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 457 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives R. C. Johnson and Mitchell—

HCR 457—A concurrent resolution requesting the Governor to declare the first Saturday in August of each year to be set aside as Possum Day in the State of Florida.

—was referred to the Committee on Rules and Calendar.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 208 and CS for HB 615 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Robinson and others—

HB 208—A bill to be entitled An act relating to the Health Facilities and Health Services Planning Act; amending s. 381.493(3)(q) and (s), Florida Statutes, modifying the definitions of "major medical equipment" and "institutional health services" to increase certain monetary limits relative thereto; amending s. 381.494(1)(c), (g), (l), (m), and (n), Florida Statutes, modifying provisions relative to projects which require certificates of need; providing an effective date.

—was referred to the Committee on Health and Rehabilitative Services.

By the Committee on Tourism & Economic Development and Representative Girardeau—

CS for HB 615—A bill to be entitled An act relating to the practice of acupuncture; amending s. 468.323, Florida Statutes; revising present requirements with respect to certification qualifications and fees for the practice of acupuncture; specifying requirements to be met after July 1, 1983; amending s. 468.3245, Florida Statutes, providing for acupuncture apprenticeship programs; providing program guidelines, eligibility requirements and fees; amending s. 468.327, Florida Statutes, deleting language relating to the authority of the Department of Professional Regulation to adopt rules relating to the determination of proper courses of study; amending s. 468.329, Florida Statutes, relating to exemptions; creating s. 468.330, Florida Statutes, providing for clarification of intent; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Governmental Operations.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended House Bills 194, 625 and 788 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Moore—

HB 194—A bill to be entitled An act relating to apprentices; adding subsection (4) to s. 446.011, Florida Statutes, providing legislative intent with respect to apprentices; reenacting and amending s. 446.031(2), Florida Statutes, as amended, prohibiting the Division of Labor of the Department of Labor and Employment Security from establishing certain rules, standards, or guidelines with respect to apprentices and trainees; providing an effective date.

—was referred to the Committees on Commerce and Governmental Operations.

By Representative L. J. Hall—

HB 625—A bill to be entitled An act relating to juries; amending s. 40.013(2), Florida Statutes; providing an exemption from jury service for Florida Department of Law Enforcement Special Agents, State Attorney's Investigators, Florida Marine Patrol Investigators, United States Customs Agents or Officers, United States Drug Enforcement Administration Agents; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By Representative Burnsed and others—

HB 788—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending ss. 232.13, 409.604, 410.016(2)(1), and 959.25(5), Florida Statutes, deleting or otherwise modifying certain reporting requirements; repealing ss. 20.19(3)(b)3.e. and (16), 381.3812(4), 381.605(2)(h),

391.066, 393.20(3), 400.333, 409.028(4)(d), and 409.365, Florida Statutes, relating to reports required to be submitted by the department to various government officials and agencies; requiring the department to study paperwork and report to the Legislature; requiring at least a 25% reduction in forms used by the Economic Services Program Office by June 30, 1983; providing an effective date.

—was referred to the Committee on Health and Rehabilitative Services.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 470 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hazouri—

HB 470—A bill to be entitled An act relating to personnel of school systems; creating s. 231.391, Florida Statutes, authorizing district school boards to purchase annuities for all school personnel with 25 or more years of creditable service and who have reached age 55 and applied for retirement under the Florida Retirement System; providing a limitation; providing an effective date.

—was referred to the Committees on Education; Personnel, Retirement and Collective Bargaining; and Appropriations.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 174, HB 305, HB 621, HB 628 and HB 671 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services and Representative Martin—

CS for HB 174—A bill to be entitled An act relating to the Health Program Office of the Department of Health and Rehabilitative Services; creating s. 381.352, Florida Statutes, including within the responsibilities of the department the coordination and planning of services and programs to persons with multiple sclerosis; providing an effective date.

—was referred to the Committee on Health and Rehabilitative Services.

By Representative Kelly—

HB 305—A bill to be entitled An act relating to warranty associations; amending s. 634.405(1)(a), Florida Statutes, changing the amount of the required deposit for new service warranty associations and those with \$300,000 of gross written premiums or less; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

—was referred to the Committee on Commerce.

By Representative Brodie—

HB 621—A bill to be entitled An act relating to environmental land management; amending s. 380.06(14)(a), Florida Statutes; revising the date by which a local government must render a decision on an application for a development of regional impact; providing an effective date.

—was referred to the Committee on Natural Resources and Conservation.

By Representative Meek and others—

HB 628—A bill to be entitled An act relating to agriculture; creating the "Florida Community Gardening Program of 1982"; providing definitions; providing permit conditions under which vacant public land may be used for gardening; providing duties of the Commissioner of Agriculture; providing for indemnity; providing that counties, municipalities, state agencies, and departments may make public land available; allowing any city or county to exclude its land from the program; providing

conditions for contracts with owners of private land; providing for rules; providing an effective date.

—was referred to the Committee on Agriculture.

By Representative Patterson—

HB 671—A bill to be entitled An act relating to unemployment compensation; amending s. 443.036(31), Florida Statutes; excluding certain meals and lodging from the definition of “wages”; providing retroactivity; providing an effective date.

—was referred to the Committee on Commerce.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has adopted HM 720 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Kiser—

HM 720—A memorial to the Congress of the United States, urging Congress to propose an amendment to the Constitution of the United States relating to presidential veto power.

—was referred to the Committee on Rules and Calendar.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed House Bills 161, 1020 and 758 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative J. H. Smith—

HB 161—A bill to be entitled An act relating to consumer protection; providing legislative intent; providing definitions; requiring full disclosure of certain information upon sale or consignment of visual art objects produced in multiples; requiring art catalogues, etc., to contain such information or certain notice; providing for posting of notice in places of business where art multiples are sold; specifying information required to be supplied to the buyer upon sale, depending upon the time period in which the art multiple was produced; providing that the furnishing of required information shall constitute an express warranty as to the information provided, within certain limits and with specified exceptions; providing for disclaiming of knowledge as to such information; providing for construction of the act with respect to the rights, liabilities, and remedies created thereby; providing for remedies and enforcement; providing for treble damages in certain instances; providing for payment of court costs, attorney’s fees, and expert witness fees; providing for limitation of actions; providing that violation of the act shall be deemed to be a violation of part II of chapter 501, Florida Statutes, the “Florida Deceptive and Unfair Trade Practices Act”; providing that repeated violation shall constitute a scheme to defraud; providing a penalty; providing for severability; providing for applicability; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Commerce.

By the Committee on Governmental Operations and Representative Dunbar—

HB 1020—A bill to be entitled An act relating to water resources; amending s. 373.553(2), Florida Statutes, relating to depositories in which the funds of the water management district may be deposited; providing an effective date.

—was referred to the Committee on Natural Resources and Conservation.

By Representative Clements—

HB 758—A bill to be entitled An act relating to the Florida Litter Law; amending s. 403.413(5)(a), Florida Statutes, deleting the noncriminal penalty for violations involving small amounts of litter; changes the authorized additional penalties which may be imposed; providing an effective date.

—was referred to the Committees on Judiciary-Criminal; and Finance, Taxation and Claims.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed HB 188 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative R. C. Johnson—

HB 188—A bill to be entitled An act relating to equal accommodations for physically disabled persons; amending s. 413.08(1)(a), (2), and (4), Florida Statutes, and adding a subsection; including otherwise physically disabled persons within a list of certain disabled persons who are entitled to full and equal accommodations at all public places; providing that no physical modifications to structures, vehicles, or facilities be required; providing a definition; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Commerce.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 387 and HB 1054 and requests the concurrence of the Senate.

Allen Morris, Clerk

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

CS for HB 387—A bill to be entitled An act relating to community and economic revitalization; creating chapter 162, Florida Statutes; creating the Florida Enterprise Zone Act of 1982; providing legislative findings; providing policy and purpose; providing definitions; providing for designation of enterprise zones by local governing bodies; providing for application and approval of enterprise zones by the Department of Veteran and Community Affairs; providing a listing of state and local programs and incentives available in enterprise zones; providing duties of department with respect to federal enterprise zone programs; providing for the assistance of specified departments in implementation of the chapter and programs; providing status of designated slum or blighted areas under the chapter; providing for review and repeal; amending s. 220.02(7) and (8)(a), Florida Statutes, and adding subsection (9) thereto; amending s. 220.03(1)(c), (i), (m), (n), (p) and (s), Florida Statutes, and adding paragraphs (w), (x), (y), (z) and (aa) thereto; amending s. 220.181(1)(a) and (b), (2), (3), (6), and (7), Florida Statutes, and adding paragraph (1)(d) thereto; amending s. 220.182(1)(b), (9), (10), (11), (12) and (13), Florida Statutes; renumbering and amending s. 220.183(1)(c), (2), (5)(a), (b) and (d) and (8), Florida Statutes, and adding paragraph (3)(e) thereto and repealing subsection (3) thereof; amending ss. 159.26, 159.27(5) and (19), and 196.012(14), Florida Statutes; adding subsections (6) and (7) to s. 288.604, Florida Statutes; amending s. 288.606(1)(a), (b) and (d) and (3), Florida Statutes, and adding paragraph (2)(e); amending ss. 288.607(2)(a) and (5)(a), and 288.608(1)(b), (5)(a), and (6), Florida Statutes; providing that the economic revitalization jobs creation incentive credit, the economic revitalization tax incentive credit, the community contribution tax credit, the Florida Industrial Development Financing Act, and the economic development ad valorem tax exemption shall apply with respect to enterprise zones rather than slum or blighted areas; revising requirements with respect to employees of businesses to which the economic revitalization tax incentive credit applies and revising the definition of “new business”; specifying the effect of the expiration of provisions granting said credit; revising requirements with respect to employees and providing for replacement employees under the economic revitalization jobs creation incentive credit; authorizing carryover of unused economic revitalization jobs creation incentive credit; authorizing use of unused carry forward credits after expiration of economic revitalization jobs creation incentive credit; authorizing such carryover for the community contribution tax credit; authorizing use of unused carry forward credits after expiration of the community contributions tax credit; transferring certain definitions relating to such credit and providing expiration dates; revising the definition of “project” for pur-

poses of such credit; defining "service area" and "target area" under the Community Development Corporation Support and Assistance Program and providing application with respect to membership, proposed requirements and evaluation, and authorized loan uses; providing that a target area may be an enterprise zone; providing that loans under said program be repaid within 15 years; providing for order of application of credits against the corporate income or franchise tax; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; Governmental Operations; and Finance, Taxation and Claims.

By the Committee on Transportation—

HB 1054—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; adding subsection (3) to s. 20.24, Florida Statutes, providing fees for copies of employee personnel files; adding paragraph (e) to s. 319.25(5), Florida Statutes, providing a fee for copies of the Division of Motor Vehicles Procedures Manual; amending s. 320.865, Florida Statutes, providing fees to be charged for certain records; amending s. 321.23(1), Florida Statutes, and adding new subsections (2) and (3), providing fees for copies of certain records; amending s. 322.20(1) and (2), Florida Statutes, and adding new subsections thereto, providing fees; providing reference to electronic photographic data processing and storage practices; providing for photographing and destruction of such records in accordance with law; providing for admission of photocopies and reproductions of certain records into evidence; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

—was referred to the Committee on Transportation.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed HB 1092 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Retirement, Personnel & Collective Bargaining—

HB 1092—A bill to be entitled An act relating to state employment; amending s. 110.205(2)(o), Florida Statutes, relating to career service exempt positions; authorizing the Public Service Commission, with the approval of the Department of Administration, to set the salaries of its official reporters notwithstanding any limitations on such salaries set by law; amending s. 110.402(3), Florida Statutes, including the personal secretaries of elected cabinet officers among those employees who are eligible for Senior Management Service benefits other than salary; providing an effective date.

—was referred to the Committee on Personnel, Retirement and Collective Bargaining.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 175 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Finance & Taxation and Community Affairs—

CS for HB 175—A bill to be entitled An act relating to financial matters; amending s. 218.37, Florida Statutes; providing definitions; providing duties of the Division of Bond Finance of the Department of General Services with respect to general obligation bonds and revenue bonds of units of local government and the state; providing for rules; providing duties of the advisory council to the division; amending s. 218.38, Florida Statutes; providing duties of units of local government with respect to information furnished the division regarding outstanding bonds and new bond issues; revising provisions relating to information filed with the division after delivery of bonds sold at public sale by competitive bid; exempting certain bonds from such provisions; requiring that certain information be filed with the division after delivery of certain

bonds sold by negotiated bond sales; requiring the underwriter or financial consultant to file certain information with the unit of local government; requiring that information regarding both types of bond issues be maintained by the division and the unit of local government as a public record; providing for verification of information on bonded obligations by units of local government upon request of the division; providing procedures when the unit of local government fails to verify or provide required information; amending s. 218.385, Florida Statutes; deleting certain specific requirements with respect to a resolution authorizing a negotiated sale; requiring information regarding any finder to be furnished to the unit of local government by certain persons; specifying that failure to comply with said section or s. 218.38, Florida Statutes, shall not affect the validity of a bond issue; providing for application of certain sanctions; amending s. 218.386, Florida Statutes; redefining "finder"; prohibiting payment of finders' fees by financial advisers unless disclosure is made; specifying that violation of the section shall not affect the validity of a bond issue; amending s. 215.68(5)(c), Florida Statutes; allowing bonds issued pursuant to the State Bond Act to be awarded on the basis of either the lowest net interest cost or the lowest true interest cost, as determined by resolution of the division; amending s. 170.09, Florida Statutes; revising interest rate and number of yearly installments for payment of special assessments for municipal improvements; amending s. 170.17, Florida Statutes; revising specified denomination and interest rate for improvement bonds; amending s. 153.05(9), Florida Statutes; providing a cap on interest rates charged on special assessments for water and sewer improvements; amending s. 153.73(11)(a), Florida Statutes, and adding subsection (14) thereto, to authorize changes in interest on, and duration of, installment payments on assessments under certain circumstances; providing for repeal and review of the advisory council in accordance with the Sundown Act; creating ss. 159.345, 159.475 and 159.7055, Florida Statutes; providing for reporting to the Division of Bond Finance of the Department of General Services certain information within 30 days after the issuance of any revenue bond by any local agency issuing bonds under the Florida Industrial Development Financing Act, any industrial development authority, or any research and development authority; requiring that a copy of such information be forwarded to the Division of Economic Development of the Department of Commerce; requiring an annual report to the Governor and Legislature; requiring that information be provided to the Secretary of the Treasury if required by the Internal Revenue Code; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Finance, Taxation and Claims.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 114 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Hieber and A. E. Johnson—

HB 114—A bill to be entitled An act relating to damage by dogs; amending s. 767.04, Florida Statutes; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 170 and HB 988 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Criminal Justice and Representative Meffert—

CS for HB 170—A bill to be entitled An act relating to depositions in criminal proceedings; creating s. 914.16, Florida Statutes, prohibiting the taking of depositions of juvenile victims in criminal proceedings unless taken before a judicial officer; providing a waiver; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By the Committee on Regulated Industries & Licensing—

HB 988—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.221, Florida Statutes, authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation to issue vendor's licenses for the sale of alcoholic beverages to certain manufacturers of malt beverages; providing an effective date.

—was referred to the Committee on Commerce.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Bankhead and others—

HB 1—A bill to be entitled An act relating to the designation of a state animal; creating s. 15.044, Florida Statutes, designating the Florida Panther as the official state animal; providing an effective date.

—was referred to the Committee on Rules and Calendar.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 266 and HB 989 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Natural Resources and Representative Myers—

CS for HB 266—A bill to be entitled An act relating to salt-water fisheries; amending s. 370.12(2)(f) and (g), Florida Statutes, and adding a new paragraph (h); directing the Department of Natural Resources to adopt rules regulating the operation and speed of motorboat traffic within described areas during certain dates for the protection of manatees or sea cows; providing an effective date.

—was referred to the Committee on Natural Resources and Conservation.

By the Committee on Regulated Industries & Licensing and Representative T. McPherson—

HB 989—A bill to be entitled An act relating to alcoholic beverages; amending s. 563.06(6), Florida Statutes, including 7-ounce containers in a list of approved size containers for the retail sale of malt beverages; deleting 8-ounce containers from said list; providing an exception allowing the retail sale of malt beverages in 8-ounce containers purchased by the vendor prior to the effective date of this act; providing an effective date.

—was referred to the Committee on Commerce.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 115 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Meffert—

HB 115—A bill to be entitled An act relating to criminal law; amending s. 775.021(4), Florida Statutes, limiting the exemption of lesser included offenses from the types of offenses for which a person may be separately sentenced; specifying conditions under which separate sentencing provisions apply; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 968 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Transportation and Representative C. F. Jones and others—

HB 968—A bill to be entitled An act relating to Department of Transportation contracts; creating s. 337.165, Florida Statutes; providing definitions; providing for denial, revocation, or suspension of a contractor's certificate of qualification for specified reasons; providing for a period of disqualification; providing for reinstatement of a certificate; providing for a continuation of obligations under preexisting contracts; providing penalties; providing notification requirements; providing investigative authority; providing for a reward for the reporting of certain crimes and assistance in the prosecution thereof; creating s. 337.166, Florida Statutes; requiring the Department of Legal Affairs to obtain restitution for the Department of Transportation in certain actions; providing for a percentage of such funds to be used for rewards; creating s. 337.167, Florida Statutes; providing that qualification to bid on state contracts is not a license; prohibiting administrative stays of denial, revocation, or suspension; providing criteria for injunctive relief; providing a finding of an immediate danger to public safety, health and welfare; creating s. 337.168, Florida Statutes; providing a definite period of time during which the Department of Transportation's official project cost estimates and potential bidders' identities are exempt from the provisions of s. 119.07(1), Florida Statutes; providing an effective date.

—was referred to the Committees on Transportation, Governmental Operations, and Appropriations.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed HB 984 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Transportation—

HB 984—A bill to be entitled An act relating to the Department of Transportation; amending s. 316.550, Florida Statutes, increasing the maximum time period and maximum allowable fee for the issuance of certain permits; providing an effective date.

—was referred to the Committee on Transportation.

The Senate was called to order by the President at 10:00 a.m. A quorum present—38:

Mr. President	Hair	Margolis	Skinner
Anderson	Henderson	Maxwell	Steinberg
Beard	Hill	McClain	Stevens
Carlucci	Jenkins	McKnight	Stuart
Childers, D.	Jenne	Neal	Tobiasen
Dunn	Jennings	Peterson	Trask
Frank	Johnston	Poole	Vogt
Gersten	Kirkpatrick	Rehm	Ware
Gordon	Langley	Renick	
Grizzle	Lewis	Scott	

Excused: Senator Barron, periodically, for the purpose of working on the apportionment bill; Senator Thomas until 10:40 a.m.

Prayer by the Rev. Dr. George P. Kalangis, Pastor, Saints Markella and Demetrios Greek Orthodox Church, Ft. Walton Beach:

Almighty God, Heavenly Father and ruler of all the peoples of the earth, we are gathered here today from places all across our great state to seek your divine guidance.

We stand on the shoulders of giants who have been here before us. We give you thanks for those men and women who by their devotion to justice, freedom and peace, have molded our state in the past. We thank you for the commitment of those who serve our state and nation today.

Heavenly Father, we pray and ask you to grant wisdom to all Senators who are entrusted with the authority of government. Direct them in the formulation of legislation that will contribute to peace, justice, welfare, social, cultural and educational issues of our time.

We pray for the President of the United States, the Governor of our state and all the Senators.

We ask this in your name, O God, who gives us this day, and sustains us today, tomorrow, and always. Amen.

Votes recorded

Senator Maxwell was recorded as voting yea on HB 319 which passed the Senate March 9.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Wednesday, March 10, 1982: SB 628, SB 1002, SB 1019, HB 271, HB 392, HB 487, HB 557, HB 668, HB 709, HB 803, HB 814, HB 886, HB 891, HB 892, HB 893, HB 894, HB 913, HB 927, HB 961, HB 967

Respectfully submitted,
Edgar M. Dunn, Jr., Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, March 10, 1982: CS for SB 105, SB 206, SB 213, CS for SB 165, SB 412, SB 629, CS for SB's 767 & 592, HB 43, SB 394, CS for SB 345, SB 387, SB 54, SB 247, CS for SB 332, SB 59, CS for SB's 678, 970 & 483, CS for CS for SB's 751 & 540, CS for SB 932, SB 857, SB 793

Respectfully submitted,
Edgar M. Dunn, Jr., Chairman

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SR 308

The bill with committee substitute attached was referred to the Committee on Appropriations under the original reference.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Hair, the rules were waived and the Committee on Commerce was granted permission to meet March 11 at 12:00 noon to consider CS for HB 607 and CS for SB 466.

On motions by Senator Dunn, by two-thirds vote CS for HB 765 was withdrawn from the Committees on Commerce; Governmental Operations; and Economic, Community and Consumer Affairs.

On motion by Senator Dunn, by unanimous consent—

CS for HB 765—A bill to be entitled An act relating to electric power; adding paragraphs (d), (e), (f), and (g) to s. 163.01(3), Florida Statutes, amending paragraph (c) of subsection (7) thereof, and adding subsection (15) thereto, defining the terms "electric project," "person," "electric utility," and "foreign public utility" with respect to the Florida Interlocal Cooperation Act of 1969; providing for the issuance of bonds by any separate legal entity created pursuant to said act whose membership is comprised only of electric utilities; providing certain additional powers and waiving certain rights of sovereign immunity with respect to certain entities which exercise or proposed to exercise the powers granted pursuant to part II of chapter 361, Florida Statutes, the Joint Power Act; creating s. 361.09, Florida Statutes, relating to the valuation of electric utility property subject to eminent domain; adding subsections (3) and (4) to s. 361.11, Florida Statutes, defining the terms "person" and "foreign public utility" for the purposes of the Joint Power Act; amending s. 361.12, Florida Statutes, relating to joint electric power supply projects, describing entities which may participate in joint projects; amending s. 361.13, Florida Statutes, relating to powers of electric utilities and other organizations; amending s. 361.14, Florida Statutes, relating to limitations on sales with respect to joint project energy; providing for the additional powers and authority granted in this act to apply to certain preexisting agreements; providing a statement of purpose; providing for severability; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Dunn, by two-thirds vote CS for

HB 765 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Hair	Margolis	Steinberg
Anderson	Hill	McClain	Stevens
Beard	Jenne	McKnight	Stuart
Carlucci	Jennings	Poole	Tobiasen
Childers, D.	Johnston	Rehm	Trask
Dunn	Kirkpatrick	Renick	Vogt
Frank	Langley	Scott	Ware
Grizzle	Lewis	Skinner	

Nays—None

Vote after roll call:

Yea—Gersten

On motions by Senator Anderson, by two-thirds vote HB 628 was withdrawn from the Committee on Agriculture and by two-thirds vote placed on the special order calendar.

On motions by Senator Johnston, the rules were waived and by two-thirds vote Senate Bills 496, 837 and CS for SB 338 were withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Stuart, the rules were waived and by two-thirds vote CS for SB 895 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Steinberg, the rules were waived and by two-thirds vote CS for SB 895 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Margolis, the rules were waived and by two-thirds vote SB 622 was withdrawn from the Committee on Judiciary-Criminal.

On motions by Senator Steinberg, by two-thirds vote SB 517 was withdrawn from the committee of reference and indefinitely postponed.

On motions by Senator Neal, by two-thirds vote SB 878 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Beard, by two-thirds vote SCR 1023 was withdrawn from the Committee on Rules and Calendar.

RECONSIDERATION

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

HB 16—A bill to be entitled An act relating to the protection of natural resources; amending s. 253.123, Florida Statutes, providing a definition; providing that the Department of Environmental Regulation shall be responsible with respect to regulating certain restrictions on filling land and dredging in the state; amending s. 253.124, Florida Statutes, deleting reference to certain local authorities with respect to applications for filling land; amending s. 253.1241, Florida Statutes; providing that the Department of Environmental Regulation as well as the Department of Natural Resources shall be required to make certain studies with respect to state lands; amending s. 253.125, Florida Statutes, providing for consideration by local government of certain activities relating to state land; amending s. 403.061, Florida Statutes, providing restrictions on rules regarding improvement or natural conditions and federal regulations; amending s. 403.091, Florida Statutes, providing for inspection by the Department of Environmental Regulation of certain property on which a hazardous waste generator, transporter or facility or other air or water contaminant source is located; amending s. 403.201(2), Florida Statutes, relating to variances granted by the Department of Environmental Regulation from the provisions of the Florida Air and Water Pollution Control Act to provide special notice procedures; authorizing the department to proceed without a hearing under certain circumstances; amending s. 403.72(1), Florida Statutes,

making discretionary with the department certain considerations in adopting rules; adding subsection (7) to s. 403.725, Florida Statutes, placing a limitation on the use of certain moneys in the Hazardous Waste Management Trust Fund; amending s. 403.727(4), Florida Statutes, providing certain defenses available to a person alleged to be in violation of the Florida Resource Recovery and Management Act; amending s. 403.8055(4), Florida Statutes, and adding subsection (6) thereto, requiring specific reference to federal regulations where such regulations are adopted as a rule by the Department of Environmental Regulation; amending s. 403.814(1) and (2), Florida Statutes, providing a time period for the commencement of work under a general permit issued by the Department of Environmental Regulation for projects governed by chapter 253 or chapter 403, Florida Statutes; amending s. 403.061, Florida Statutes, providing for publication of application for permit regarding chronology of agency action; amending s. 403.087, Florida Statutes, providing for denial of permits with certain state and national lands, providing for preemption by federal action; providing an effective date.

—as amended passed March 9.

On motion by Senator Vogt, the Senate reconsidered the vote by which HB 16 was read the third time.

On motions by Senator Vogt, the Senate reconsidered the vote by which Amendments 2 and 3 were adopted. Senator Ware withdrew Amendments 2 and 3.

On motion by Senator Vogt, by two-thirds vote HB 16 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Henderson	Margolis	Scott
Anderson	Hill	Maxwell	Skinner
Beard	Jenkins	McClain	Steinberg
Carlucci	Jenne	McKnight	Stevens
Childers, D.	Jennings	Neal	Stuart
Dunn	Johnston	Peterson	Tobiassen
Frank	Kirkpatrick	Poole	Trask
Grizzle	Langley	Rehm	Vogt
Hair	Lewis	Renick	Ware

Nays—None

Vote after roll call:

Yea—Gersten

On motion by Senator Vogt, the rules were waived and HB 16 was ordered immediately certified to the House.

Special Ceremony

Senator Beard was invited to the rostrum where he commended the Florida Sheriffs Association and citizens of Florida for their support of the Florida Sheriffs-Boys Ranch which was founded twenty-five years ago.

Senator Beard presented copies of SCR 1023 to Harry K. Weaver, president of the Florida Sheriffs Youth Fund, and Ed Blackburn, former sheriff of Hillsborough County and former member of the House of Representatives.

Senator Hair presiding

On motions by Senator Beard—

SCR 1023—A concurrent resolution commending the sheriffs and citizenry of the State of Florida and the Florida Sheriffs Youth Fund for the establishment in 1957 and maintenance of the Florida Sheriffs Boys Ranch for twenty-five years.

WHEREAS, the sheriffs of the Great State of Florida, individually and collectively saw fit to create the Florida Sheriffs Boys Ranch on October 2, 1957 alongside the beautiful Suwannee River, in Suwannee County, Florida, and

WHEREAS, many hundreds of dependent, neglected and homeless boys have been given the opportunity to live in a positive environment that stresses strong and enduring principles, and

WHEREAS, these boys, as a result of their care at the Florida Sheriffs Boys Ranch, have been and are receiving the love, training and guidance which are so essential for the normal development and growth of any youngster, and

WHEREAS, as a result of their care at the Florida Sheriffs Boys Ranch, these boys have been given the opportunity to learn and to develop positive values and to plan for their future and develop educational skills, and

WHEREAS, the continuing dedication and the individual attention of Florida's sheriffs, their loyal deputies and office staffs and the Florida Sheriffs Association in behalf of the Florida Sheriffs Boys Ranch, constitute a most worthwhile and direct contribution toward combating juvenile delinquency and the breakdown of the American family, and

WHEREAS, the staff of the Florida Sheriffs Boys Ranch, which is a component part of the Florida Sheriffs Youth Fund, has been given invaluable assistance by the loving and caring citizens of Florida through their generous friendship and support, and

WHEREAS, the efforts of the sheriffs, the Florida Sheriffs Association and the citizens of this state and the staff of the Florida Sheriffs Youth Fund have brought national attention to the Boys Ranch and the State of Florida, and

WHEREAS, the Legislature of the State of Florida desires to recognize these supreme achievements and specifically the twenty-fifth anniversary of the Boys Ranch, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That the citizenry, the Florida Sheriffs Association, the sheriffs of this sovereign state and the staff of the Florida Sheriffs Youth Fund are hereby commended and acclaimed for their outstanding contribution to the welfare of this state generally, through the creation, operation and support of the Florida Sheriffs Boys Ranch marking twenty-five productive and fruitful years on October 2, 1982, and

BE IT FURTHER RESOLVED, that all citizens and residents of Florida be urged to remember the Florida Sheriffs Boys Ranch as a worthy and noble project, which benefits youth and contributes both spiritually and materially to their development and thus represents one of this state's finest charitable institutions, and

BE IT FURTHER RESOLVED, that copies of this resolution, signed by the Speaker of the House of Representatives and the President of the Senate, be forwarded to the Governor and members of the Cabinet, the sheriffs of each Florida county, the Florida Sheriffs Association and the members of the Board of Directors of the Florida Sheriffs Youth Fund, Inc.

—was taken up out of order by unanimous consent, read the second time in full, adopted and certified to the House. The vote on adoption was:

Yeas—35

Anderson	Hair	Maxwell	Skinner
Beard	Henderson	McClain	Steinberg
Carlucci	Hill	McKnight	Stevens
Childers, D.	Jenne	Neal	Stuart
Dunn	Jennings	Peterson	Tobiassen
Frank	Johnston	Poole	Trask
Gersten	Langley	Rehm	Vogt
Gordon	Lewis	Renick	Ware
Grizzle	Margolis	Scott	

Nays—None

On motion by Senator Beard, the rules were waived and SCR 1023 was ordered immediately certified to the House.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 418 which he had approved on March 8.

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

REPORTS OF COMMITTEES

The Honorable W. D. Childers
President, The Florida Senate

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>For Term Ending</i>
1. Board of Accountancy, Member Appointee: Greene, Newton	12/26/85	
2. Board of Architecture, Members Appointees: Giller, Norman M. Rowe, H. Dean	12/17/85 12/17/85	
3. Barbers' Board, Members Appointees: Barfield, Joseph L. Mosher, Gerald R.	6/30/83 6/30/83	
4. Board of Building Codes and Standards, Members Appointees: Reilly, Richard C. Wallace Jr., Howard K.	8/11/83 1/30/83	
5. Secretary of Business Regulation Appointee: Rutledge, Gary R. Pleasure of Governor		
6. Florida Citrus Commission, Members Appointees: Edwards, W. F. Griffin, III, Ben Hill Schirard, John H. Shipes, Dorothy C. Strazzulla, Joseph Philip	5/31/84 5/31/84 5/31/82 5/31/84 5/31/84	
7. State Community College Coordinating Board, Members Appointees: Jones, Elizabeth N. Reeves, Sr., Garth C.	9/15/85 9/15/85	
8. Board of Trustees of Pensacola Junior College, Member Appointee: Thames, Gale H.	5/31/85	
9. Board of Trustees, St. Petersburg Junior College, Members Appointees: Lang, Joseph H. Young, Robert C.	5/31/85 5/31/82	
10. Board of Cosmetology, Members Appointees: Daniels, Jo Williams, Irene E.	1/1/86 1/1/86	
11. Board of Trustees for the Florida School for the Deaf and the Blind, Member Appointee: Pillot, Gene M.	11/13/85	
12. Education Practices Commission, Member Appointee: Dunlap, Mildred S.	9/30/84	
13. Florida Elections Commission, Members Appointees: Huckshorn, Robert J. Kelley, Anne E.	12/5/85 12/10/85	
14. Electrical Contractors' Licensing Board, Members Appointees: Bennett, Lester M. Lewis, Jerry Walworth, Diana L.	12/17/85 12/17/85 12/17/82	
15. Board of Engineers, Members Appointees: Bechamps, Eugene N. Kersten, Robert D.	12/20/85 12/20/85	
16. Tampa-Hillsborough County Expressway Authority, Member Appointee: Harper, William H.	7/1/83	
17. Florida State Fair Authority, Member Appointee: Urbanski, James F.	7/1/82	
18. Harbor Master in and for the Port of New Smyrna Beach, Volusia County Appointee: Sweett, Lawrence J.	2/19/83	
19. Board of Trustees of the Citrus County Hospital, Members Appointees: Kofmehl, Charles Phillip Toft, Ronald F.	7/5/85 7/11/85	
20. South Lake County Hospital District Board of Trustees, Members Appointees: Kurfiss, Reginald D. McQuaig, Marjorie Gray	7/5/85 7/5/85	
21. State Board of Independent Colleges and Universities, Members Appointees: Cheshire, Richard D. Wilson, Charles F.	9/30/83 9/30/83	
22. Board of Land Surveyors, Member Appointee: Herrick, Barney A.	12/6/85	
23. Board of Massage, Members Appointees: Bosetti, Anthony Harris, Susan F.	1/1/86 1/1/86	
24. Board of Medical Examiners, Member Appointee: Lutz, H. Roger	8/1/85	
25. Board of Nursing Home Administrators, Members Appointees: Bevilacqua, Margaret Rose Proctor, James M.	12/13/85 12/13/85	
26. Board of Optometry, Member Appointee: Chambers, Frances R.	12/28/85	
27. Board of Pilot Commissioners, Member Appointee: Reese, Anne H.	6/30/82	
28. Jacksonville Port Authority, Duval County Member Appointee: Martin, Jr., James E.	9/30/85	
29. Historic Pensacola Preservation Board of Trustees, Member Appointee: Yates, Cooper	2/9/86	
30. Board of Directors of the Prison Enterprises, Education and Rehabilitation, Inc., Chairman Appointee: Eckerd, Jack	9/30/82	
31. Board of Directors of the Prison Enterprises, Education and Rehabilitation, Inc., Members Appointees: Danese, Tracy Kynes, James W. Mills, Joe D. Robinson, Andrew A. Tobin, Gerald J. Toms, Gerald E. Turner, Robert V. Wimbish, C. Bette	9/30/82 9/30/82 9/30/82 9/30/82 9/30/82 9/30/82 9/30/82	
32. Florida Public Service Commission, Members Appointees: Leisner, Susan Wagner Marks, John	1/1/86 1/1/86	
33. Board of Regents, Members Appointees: Blount, James Brown, J. Hyatt Bryant, Cecilia Gibson, Robin Greene, Raleigh W. Leonard, William F. Scruggs, Frank	9/1/82 1/1/83 1/1/89 8/31/87 8/31/87 1/1/87 1/1/88	
34. State Retirement Commission, Member Appointee: Cail, Clifford M.	12/31/82	
35. Secretary of Transportation Appointee: Pappas, Paul N. Pleasure of Governor		
36. Governing Board of the St. Johns River Water Management District, Members Appointees: Braddock, Michael Friedmann, Frank X. Gray, Michael E.	7/1/85 7/1/85 7/1/85	
37. Governing Board of the South Florida Water Management District, Members Appointees: Clark, Jr., Robert L. Gallagher, James N. Reed, Nathaniel P.	7/1/85 7/1/85 7/1/85	
38. Governing Board of the Suwannee River Water Management District, Members Appointees: Chandler, Jr., E.S. Gerlach, Jr., Philip E.	7/1/85 7/1/83	

As required by Rule 12.7(a), the 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 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 committee, by a separate vote as to each appointee, respectfully advises and recommends:

- (1) That the executive appointments of the above-named appointees, to the office and for the term indicated, be *confirmed* by the Senate.
- (2) That Senate action on said appointments be taken prior to the adjournment of the 1982 Regular Session.
- (3) That there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,

Richard R. Renick, Chairman
Patrick K. Neal, Vice Chairman
Dan Jenkins

Tom Lewis
Sherrill Skinner

Senator Renick moved that the report be adopted and the Senate confirm the appointments identified in the foregoing report of the committee to the offices and for the terms indicated, in accordance with the recommendations of the committee. The motion was adopted by the following vote:

Yeas—36

Mr. President	Grizzle	Langley	Renick
Anderson	Hair	Lewis	Skinner
Beard	Henderson	Margolis	Steinberg
Carlucci	Hill	Maxwell	Stevens
Childers, D.	Jenkins	McClain	Stuart
Dunn	Jenne	McKnight	Tobiassen
Frank	Jennings	Neal	Trask
Gersten	Johnston	Poole	Vogt
Gordon	Kirkpatrick	Rehm	Ware

Nays—None

The Honorable W. D. Childers
 President, The Florida Senate

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

<i>Office and Appointee</i>	<i>For Term Ending</i>
1. Board of Trustees, Florida Junior College at Jacksonville, Member Appointee: Jarrell, Walter G.	5/31/85
2. Secretary of Commerce Appointee: Edgerly, Stuart	Pleasure of Governor
3. Secretary of Commerce Appointee: Griffin, Donald A.	Pleasure of Governor
4. Board of Directors of the Prison Enterprises Education and Rehabilitation, Inc., Member Appointee: Miller, Daniel J.	9/30/82
5. Board of Psychological Examiners, Member Appointee: Werner, Linda	9/30/85
6. Governing Board of the St. Johns River Water Management District, Member Appointee: Norton, George E.	7/1/85

As required by Rule 12.7(a), the 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 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 committee, by a separate vote as to each appointee, respectfully advises and recommends:

(1) That the Senate take no action to confirm the appointment of Walter G. Jarrell as a member of the Board of Trustees, Florida Junior College at Jacksonville for the term indicated as the committee finds that the appointee has served in this position since July, 1977; Florida Junior College at Jacksonville received two very critical audits from the Auditor General during this period of time; and release of a subsequent audit showing marked improvement of the audit criticisms is necessary before the committee will make a recommendation to confirm.

(2) That the Senate take no action to confirm the appointment of Stuart Edgerly as Secretary of Commerce as the committee does not believe the three months the appointee has had in office is sufficient time to fully grasp the role of Secretary of Commerce and to learn the functions of the entire department.

(3) That the Senate fail to consider the appointment of Donald A. Griffin as Secretary of Commerce because the committee finds that Donald A. Griffin only served from November 10, 1981 to December 1, 1981.

(4) That the Senate take no action to confirm the appointment of Daniel J. Miller as a member of the Board of Directors of the Prison Enterprises, Education and Rehabilitation, Inc. for the term indicated as the committee finds that the appointee has not attended a meeting of the board since appointment.

(5) That the Senate take no action to confirm the appointment of Linda Werner as a member of the Board of Psychological Examiners for the term indicated as the committee finds that the appointee did not respond to three letters written from the committee requesting additional information.

(6) That the Senate take no action to confirm the appointment of George E. Norton as a member of the Governing Board of the St. Johns River Water Management District for the term indicated as the committee finds that he is deceased.

(7) That Senate action on said appointments be taken prior to adjournment of the 1982 Regular Session.

(8) That there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,

Richard R. Renick, Chairman
Patrick K. Neal, Vice Chairman
Dan Jenkins

Tom Lewis
Sherrill Skinner

Senator Renick moved that the report be adopted and the Senate take no action and fail to confirm the appointments identified in the foregoing report of the committee to the offices and for the terms indicated, in accordance with the recommendations of the committee.

Senator Carlucci moved that the Senate confirm the appointment of Walter G. Jarrell as a member of the Board of Trustees, Florida Junior College at Jacksonville for term ending May 31, 1985. The motion was adopted and Walter G. Jarrell was confirmed to the office and for the term indicated.

The President presiding

Senator Rehm moved that the Senate confirm the appointment of Daniel J. Miller as a member of the Board of Directors of the Prison Enterprises, Education and Rehabilitation, Inc. for term ending September 30, 1982. On substitute motion by Senator Renick further consideration of the foregoing report was temporarily passed.

The Honorable W. D. Childers
President, The Florida Senate

Dear Mr. President:

The executive appointment of Mareta C. Fugett to the office of Member, Board of Nursing, for a term ending August 1, 1985, was referred to the Senate Committee on Executive Business for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate.

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointee for appointment to the office indicated. In aid of such inquiry the committee held public hearings at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the committee respectfully advises and recommends that, in accordance with s. 114.05(1)(d), Florida Statutes, the Senate vote to refuse to confirm the appointment of Mareta C. Fugett to the office of Member, Board of Nursing; that the Senate vote be taken prior to adjournment of the 1982 Regular Session; and there is no necessity known to the committee for the deliberations on the appointment to be held in executive session.

Respectfully submitted,

Richard R. Renick, Chairman Dan Jenkins
Patrick K. Neal, Vice Tom Lewis
Chairman Sherrill Skinner

On motion by Senator Renick, the Senate adopted the report of the Committee and refused to confirm and rejected the appointment of Mareta C. Fugett to the office and for the term indicated. The vote was:

Yeas—37

Mr. President	Hair	Margolis	Steinberg
Anderson	Henderson	Maxwell	Stevens
Beard	Hill	McClain	Stuart
Carlucci	Jenkins	McKnight	Tobiassen
Childers, D.	Jenne	Neal	Trask
Dunn	Jennings	Peterson	Vogt
Frank	Johnston	Poole	Ware
Gersten	Kirkpatrick	Renick	
Gordon	Langley	Scott	
Grizzle	Lewis	Skinner	

Nays—None

Senator Renick moved that the Senate confirm the following appointments which had been temporarily passed on February 18:

Office and Appointee	For Term Ending
Hillsborough County Civil Service Board, Members	
Alderman, Janet M.	7/ 2/85
Bertoncini, Betty J.	7/ 2/85
Cummings, John Patrick	7/ 2/85
Evans, George Ellis	7/ 2/85
Parole and Probation Commission, Members	
Crockett, Maurice G.	11/ 1/87
Fontana, A. M. "Tony"	10/ 6/87
Mitchell, Anabel P.	3/ 9/87
Scriven, Charles J.	3/23/87
Public Employees Relations Commission, Member	
Renovitch, Patricia A.	1/ 1/86

The motion was adopted and the Senate confirmed the foregoing appointments to the offices and for the terms indicated. The vote was:

Yeas—37

Mr. President	Henderson	Maxwell	Steinberg
Anderson	Hill	McClain	Stevens
Beard	Jenkins	McKnight	Stuart
Childers, D.	Jenne	Neal	Tobiassen
Dunn	Jennings	Peterson	Trask
Frank	Johnston	Poole	Vogt
Gersten	Kirkpatrick	Rehm	Ware
Gordon	Langley	Renick	
Grizzle	Lewis	Scott	
Hair	Margolis	Skinner	

Nays—None

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 1026.

Allen Morris, Clerk

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed SB 66, SB 320, CS for SB 490 and CS for SB 78.

Allen Morris, Clerk

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 1023.

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable W. D. Childers, President

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

SB 293—A bill to be entitled An act relating to education; amending s. 295.015(1), Florida Statutes; providing that certain parents who have been classified by the United States Government as presumed deceased or deceased shall be deemed to have died in the service of the Armed Forces of the United States for purposes of obtaining state educational aid for dependent children; authorizing waiver of residential requirements; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

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

Section 1. Section 295.01, Florida Statutes, is amended to read:

295.01 Children of deceased or disabled veterans; education.—It is hereby declared to be the policy of the state to provide educational opportunity at state expense for dependent children either of whose parents entered the Armed Forces from the state and died in that service or from injuries sustained or disease contracted therein between April 6, 1917, and July 2, 1921; December 7, 1941, and September 2, 1945; and June 25, 1950, through January 31, 1955; and from August 4, 1964, through May 7, 1975 to the date of the cessation of hostilities as determined by the United States Government, or who have died since or may hereafter die from diseases or disability resulting from such war service, or who have been determined by the Veterans Administration of the Federal Government to have a service-connected 100 percent disability rating for compensation, when the parents of such children have been bona fide residents of the state for 5 years next preceding their application for the benefits hereof, and subject to the rules, restrictions, and limitations hereof.

Section 2. Subsection (1) of section 295.015, Florida Statutes, is amended to read:

295.015 Children of prisoners of war and persons missing in action; education.—

(1) It is hereby declared to be the policy of the state to provide educational opportunity at state expense, *subject to the rules, restrictions, and limitations hereof*, for dependent children either of whose parents became classified as prisoners of war or missing in action in the service of the Armed Forces of the United States between June 25, 1950, through January 31, 1955, or during the period from August 4, 1964, *through May 7, 1975 to the date of the cessation of hostilities, as determined by the United States Government*, or civilian personnel captured *or officially listed as missing* while serving with the consent or authorization of the United States Government. *Such educational opportunity shall be provided until such time as the parent so classified is returned alive or his remains are recovered; provided that in order to be eligible, for so long as such parent remains classified in such status, when the parents of such children must have been bona fide residents of the state for 5 years next preceeding their application for the benefits hereof, and are permanent residents of the state on the effective date of this act subject to the rules, restrictions and limitations hereof.*

Section 3. Sections 295.03, 295.04, and 295.05, Florida Statutes, are amended to read:

295.03 Minimum requirements.—Upon failure of any child benefited *by the provisions of s. 295.01 or s. 295.015 hereby* to comply with the ordinary and minimum requirements of the institution attended, both as to discipline and scholarship, the benefits *thereof hereof* shall be withdrawn as to him or her and no further moneys expended for his or her benefits so long as such failure or delinquency continues.

295.04 Appropriation; benefits.—The sum necessary for the purposes of *ss. 295.01 and 295.015 purpose hereof* shall be appropriated in the General Appropriations Act for each fiscal year, provided that no student shall receive an amount in excess of tuition and registration fees. Only students in good standing in their respective institutions shall receive the benefits *thereof hereof*, and no student shall receive such benefits for more than 12 quarters, 8 semesters, or 8 trimesters.

295.05 Admission; enrollment.—Eligibility for admission is not affected by this chapter, but all children receiving benefits *under s. 295.01 or s. 295.015 hereunder* shall be enrolled according to the customary rules and requirements of the institution attended.

Section 4. This act shall take effect July 1, 1982.

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

A bill to be entitled An act relating to veterans; amending s. 295.01, Florida Statutes, relating to eligibility for educational benefits to children of deceased or disabled veterans; amending s. 295.015(1), Florida Statutes, relating to state educational benefits for children of prisoners of war and persons missing in action; amending ss. 295.03, 295.04, and 295.05, Florida Statutes, to conform; providing an effective date.

On motions by Senator Stuart, the Senate concurred in the House amendments.

SB 293 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Hair	Margolis	Skinner
Anderson	Henderson	Maxwell	Steinberg
Beard	Hill	McClain	Stevens
Carlucci	Jenkins	McKnight	Stuart
Childers, D.	Jenne	Neal	Tobiassen
Dunn	Jennings	Peterson	Trask
Frank	Johnston	Poole	Vogt
Gersten	Kirkpatrick	Rehm	Ware
Gordon	Langley	Renick	
Grizzle	Lewis	Scott	

Nays—None

The bill was ordered engrossed and then enrolled.

LOCAL BILL CALENDAR

On motion by Senator Ware, by two-thirds vote SB 628 was removed from the local calendar and indefinitely postponed.

Consideration of SB 1002 was deferred.

SB 1019—A bill to be entitled An act relating to Lake County, Florida; amending section 1 of chapter 63-1505, Laws of Florida, as amended by chapter 69-1208, Laws of Florida, and sections 2 and 3 of chapter 63-1505, Laws of Florida; providing for paving certain streets and highways in Lake County, on the board of county commissioners's own motion and without petition to the board of county commissioners; providing for the assessing of costs thereof, in whole or in part against adjoining property; giving the board of county commissioners full power and authority therefor; providing an effective date.

—was read the second time by title. On motion by Senator Langley, by two-thirds vote SB 1019 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Hair	Maxwell	Steinberg
Anderson	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenne	Neal	Tobiassen
Childers, D.	Jennings	Peterson	Trask
Dunn	Johnston	Poole	Vogt
Frank	Kirkpatrick	Rehm	Ware
Gersten	Langley	Renick	
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	

Nays—None

HB 271—A bill to be entitled An act relating to Sarasota and Charlotte Counties; incorporating the Englewood Area Fire Control District; describing the district boundaries; providing that the purpose of the district shall be for establishment and maintenance of fire and emergency services; providing for an elective governing body of the district composed of five commissioners and setting forth their authority, terms of office, qualifications, method of removal from office and of filling vacancies in office; prohibiting nepotism; providing for the levy, collection, and enforcement of special assessments against and creating liens upon lands in the district in order to raise funds for the purposes of the district; providing for the increase in assessments when necessary, but requiring a referendum approval for any annual increase in excess of 5 percent; requiring a depository and that all funds be disbursed by check; requiring an annual audit and financial report; authorizing the appointment of a fire marshal and the borrowing of money; establishing claims procedure; providing immunity from claims equal to that of other agencies and subdivisions of the state; providing for the defense of claims and payment of judgements for district officers and employees acting within scope of their duties and without bad faith, malice or willful disregard of rights; providing for the expansion of the district after referendum held in district and in proposed new area; providing for assessment and collection of impact fees; providing a penalty; providing for injunction; providing the district shall have continuing existence; providing a savings clause; providing for effect on conflicting laws; providing for the preservation of existing rights, rules, and regulations; providing for a referendum.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 271 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gordon	Kirkpatrick	Peterson
Anderson	Grizzle	Langley	Poole
Beard	Hair	Lewis	Rehm
Carlucci	Henderson	Margolis	Renick
Childers, D.	Hill	Maxwell	Scott
Dunn	Jenne	McClain	Skinner
Frank	Jennings	McKnight	Steinberg
Gersten	Johnston	Neal	Stevens

Stuart Trask Vogt Ware
Tobiassen
Nays—None

HB 392—A bill to be entitled An act relating to Brevard County; authorizing Brevard County to sell, lease or otherwise dispose of county owned property within the Gateway Center Industrial Park as defined herein by private sale or transaction; providing an exception to ss. 125.35-125.38, Florida Statutes; declaring private sales and transactions of property in Gateway Center Industrial Park to serve a public purpose; providing an effective date.

—was read the second time by title. On motion by Senator Maxwell, by two-thirds vote HB 392 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Hair	Maxwell	Steinberg
Anderson	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenne	Neal	Tobiassen
Childers, D.	Jennings	Peterson	Trask
Dunn	Johnston	Poole	Vogt
Frank	Kirkpatrick	Rehm	Ware
Gersten	Langley	Renick	
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	

Nays—None

HB 487—A bill to be entitled An act relating to Palm Beach and Martin Counties; relating to the Pal-Mar Water Control District; providing for the Board of Supervisors to have five members, one supervisor to be appointed by the Board of County Commissioners of Palm Beach County, one supervisor to be appointed by the Board of County Commissioners of Martin County, and three supervisors to be selected by the landowners in accordance with s. 298.11, Florida Statutes; providing for 1-year terms of office for the supervisors; providing for the removal of the supervisors appointed by the Board of County Commissioners of Palm Beach County and the Board of County Commissioners of Martin County; providing severability; providing an effective date.

—was read the second time by title.

Senator Lewis moved the following amendments which were adopted:

Amendment 1—On page 1, lines 25 and 26, strike everything after “be” and insert: either a member of the Board of County Commissioners of Palm Beach County or a landowner within the district appointed by the Board of County Commissioners of Palm Beach County.

Amendment 2—On page 1, lines 27 and 28, strike everything after “be” and insert: either a member of Board of County Commissioners of Martin County or a landowner within the district appointed by the Board of County Commissioners of Martin County.

On motion by Senator Lewis, by two-thirds vote HB 487 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Hair	Maxwell	Steinberg
Anderson	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenne	Neal	Tobiassen
Childers, D.	Jennings	Peterson	Trask
Dunn	Johnston	Poole	Vogt
Frank	Kirkpatrick	Rehm	Ware
Gersten	Langley	Renick	
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	

Nays—None

HB 557—A bill to be entitled An act relating to the Sugarland Drainage District, Glades and Hendry Counties; amending section 2 of chapter 77-562, Laws of Florida, relating to maintenance tax rates, to increase the annual maximum rate per acre levied upon certain lands in said district; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote HB 557 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Hair	Maxwell	Steinberg
Anderson	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenne	Neal	Tobiassen
Childers, D.	Jennings	Peterson	Trask
Dunn	Johnston	Poole	Vogt
Frank	Kirkpatrick	Rehm	Ware
Gersten	Langley	Renick	
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	

Nays—None

HB 668—A bill to be entitled An act relating to Hillsborough County; creating a special district for the purpose of continued development, administration, and maintenance of properties for recreational and related activities for the unincorporated area known as Twelve Oaks Subdivision as set forth according to the public records of Hillsborough County; providing for the administration of the affairs of said district by a board of nine (9) trustees and defining their powers and duties; providing for the qualification of electors in the district and the manner of conducting the first election of the board of trustees and for annual election of trustees thereafter; providing for removal of trustees and appointment to fill vacancies; providing for the assessment and collection of a special district tax assessed against each improved residential parcel of real property within the district; providing that such district tax shall be a lien against each parcel of land so assessed and for the method of collecting such tax; providing for the deposit and disbursement of funds of the district; establishing a fiscal year and providing for publication of annual financial statements; authorizing the trustees of the district to issue bonds and other obligations of the district and to secure the same by pledge of tax revenues and other property of the district; authorizing the trustees of the district to acquire and dispose of real and personal property for the general purposes of the district; authorizing the trustees of the district to promulgate rules and regulations for the use of facilities of the district; providing conditions precedent to the filing of suit against the district or any of the trustees thereof; relieving individual trustees from personal liability for obligations of the district; defining terms; providing for a special referendum within the district before this act may be effective; providing for audit of district funds; providing an effective date.

—was read the second time by title. On motion by Senator Frank, by two-thirds vote HB 668 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Hair	Maxwell	Steinberg
Anderson	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenne	Neal	Tobiassen
Childers, D.	Jennings	Peterson	Trask
Dunn	Johnston	Poole	Vogt
Frank	Kirkpatrick	Rehm	Ware
Gersten	Langley	Renick	
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	

Nays—None

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed HB 709 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Myers—

HB 709—A bill to be entitled An act relating to Martin County; granting additional powers to the Town of Jupiter Island by providing authority for the protection of the beach and lands within said Town from erosion and damage from storms, waves, currents and high water, subject to state and federal permitting requirements; providing for the levy of a special erosion tax; providing for the levy of a special tax for construction and maintenance of erosion control structures on particular properties within said Town; providing the manner and form in which such taxes for such purposes shall be collected and enforced; repealing all laws in conflict herewith; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title. On motion by Senator Lewis, the rules were waived and HB 709 was placed on the local bill calendar.

LOCAL BILL CALENDAR, continued

On motion by Senator Lewis, by two-thirds vote HB 709 was read the second time by title.

Senator Lewis moved the following amendments which were adopted:

Amendment 1—On pages 1-4, strike everything after the enacting clause and insert:

Section 1. There is hereby created the Jupiter Island Beach Protection District, a special district having boundaries coterminous with the boundaries of the Town of Jupiter Island. The Town Commission of such town shall be the governing body of such special district and shall be known as the District Commission.

Section 2. The District Commission is hereby authorized and empowered to take such action within the district as may be necessary from time to time to protect the interests of the citizens from damage to public or private beaches caused by erosion, storms, tidal waves, tidal currents or high water, subject to state and federal permitting requirements.

Section 3. The District Commission is hereby authorized to contract and be contracted with; to construct seawalls, energy absorbing walls, groins, pumping stations, breakwaters or other structures and to cause sand to be dredged upon the beaches within the district; to cooperate with the Town of Jupiter Island, Martin County, the State of Florida, or the United States Government or all of them in causing such work to be done for the protection of the beaches and properties within the district; or to take such other action as the District Commission determines to be necessary or proper in preventing beach erosion, subject to state and federal permitting requirements.

Section 4. In order to maintain the ocean beaches and to counter the adverse impact of erosion upon such beaches within the district, the District Commission may levy a special erosion tax on all real property within the district to maintain the ocean beach in a safe condition, to nourish the beach by sand replacement and for construction and maintenance of such additional protective elements as may be required to replace or maintain beach sand. The maximum millage to be levied and used for the aforesaid purposes shall be 10 mills. This erosion tax may be levied annually by the District Commission and shall be certified to the Tax Collector of Martin County for inclusion in the tax bills and shall be designated as "Erosion Tax."

Section 5. In order to maintain the established seawall line within the district from encroachment by the ocean, the District Commission may, subject to the provisions of part I of chapter 161, Florida Statutes, 1981:

(a) Require property owners to construct and maintain seawalls, groins, or such other structures as may be determined

to be necessary for the protection of their properties from erosion by the Atlantic Ocean, and to pay for such construction and maintenance may levy a special assessment against property deemed to be benefited by such improvements. The special assessment shall be assessed upon the property specially benefited by such improvements in proportion to the benefits to be derived therefrom and shall be known as a "Special Maintenance Tax."

(b) Appoint an erosion committee, consisting of three persons. Such committee may, at any time, call upon the engineers or attorney for the Town for assistance in connection with the discharge of their duties. The committee shall proceed to view the properties within the district, to consider engineering reports, and to make their written report of a plan for protection of the established sea wall line. Such plan shall assess the amount of maintenance required by each parcel of land affected within the district, showing the owner of property to be specially taxed, description of property to be specially taxed and amount of maintenance required. Upon the filing of the report of the committee with the District Commission, notice of said report shall be given by the Town Clerk posting a copy thereof at the front door of the Town Hall for a period of at least 2 weeks prior to the next meeting of the District Commission. Such notice shall also state that the plan or report will be considered at the next District Commission meeting following that at which such plan was received, and that all property owners are invited to be present to state their objections, if any, to such plan or report. In addition thereto, the Town Clerk is authorized to send notice by mail to each owner of property to be so specially taxed, advising them that such plan or report has been filed and will be considered as aforesaid. The failure of any property owner to receive such notice, however, shall not invalidate any tax thereafter made under the terms of this act. At the meeting of the District Commission, when such special taxes are considered, all property owners having objections to any such special taxes may appear and be heard for the purpose of asserting such objections. The meeting for this purpose may be adjourned from time to time as the District Commission may provide. After all such objections have been heard the District Commission may adjust any special taxes which it considered to be inequitable and may adopt such plan and report. Upon the adoption of such plan or report the special taxes therein mentioned shall become a lien upon the properties therein mentioned. Such taxes shall be certified to the Tax Collector of Martin County and shall be included in the tax bills, and shall be designated as "Special Maintenance Tax." The posting of notice of such special tax and the hearing of objections in connection therewith may be dispensed with if the affected property owner files with the district written consent for such tax to be levied.

Section 6. For purposes of this act, the Town Clerk of the Town of Jupiter Island shall serve as District Clerk and shall maintain a tax book that sets forth the description of properties specially taxed as provided in sections 4 and 5, the amount of such special taxes, and whether or not such taxes have been paid each year. Such tax book shall be prima facie evidence of the payment or nonpayment of any such special taxes and the regularity of proceedings in connection therewith.

Section 7. The taxes and special assessments levied herein shall constitute liens against the properties upon which they are assessed and shall remain liens, coequal with the lien of all state, county, district, and municipal taxes, superior in dignity to all other liens, titles, and claims, until paid.

Section 8. If this act is approved by the electors, chapter 67-1588, Laws of Florida, and all laws or parts of laws in conflict herewith are repealed.

Section 9. This act shall take effect upon approval by a majority vote of the qualified electors of the district voting in a referendum election to be held at the next general election or at an earlier special election to be called by the Town Commission of the Town of Jupiter Island; provided that this section shall take effect upon becoming a law.

Amendment 2—In title on page 1, lines 1-17, strike everything before the enacting clause and insert: A bill to be entitled An act relating to Martin County; creating the Jupiter Island Beach Protection District, a special district with the same boundaries as those of the Town of Jupiter Island; providing that the town commission shall be the governing body of the district; providing authority for the protection of the beach

and lands within the district from erosion and damage from storms, waves, currents and high water, subject to state and federal permitting requirements; providing for the levy of a special erosion tax; providing for the levy of a special tax for construction and maintenance of erosion control structures on particular properties within the district; providing the manner and form in which such taxes for such purposes shall be collected and enforced; providing for liens; providing that the Town Clerk shall be the District Clerk and shall keep a tax record; repealing all laws in conflict herewith and chapter 67-1588, Laws of Florida, providing the Town of Jupiter Island with authority to protect town beaches and to levy taxes for such purpose; providing for a referendum; providing an effective date.

On motion by Senator Lewis, by two-thirds vote HB 709 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Hair	Maxwell	Steinberg
Anderson	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenne	Neal	Tobiassen
Childers, D.	Jennings	Peterson	Trask
Dunn	Johnston	Poole	Vogt
Frank	Kirkpatrick	Rehm	Ware
Gersten	Langley	Renick	
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	

Nays—None

HB 803—A bill to be entitled An act relating to the Central Broward Drainage District, Broward County; amending section 12a. of chapter 61-1439, Laws of Florida, as amended, to provide for the levy and assessment of an annual tax upon all lands and any improvements thereon in said district based upon millage rates; approving the manner of giving notice of intention to apply for this legislation; providing for a referendum; providing an effective date.

—was read the second time by title.

Senator Scott moved the following amendments which were adopted:

Amendment 1—On page 1, line 21, strike the word "any" and insert: *real and tangible personal*

Amendment 2—In title on page 1, strike lines 6 and 7 and insert: of an ad valorem tax on real and tangible personal property in the district based

On motion by Senator Scott, by two-thirds vote HB 803 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Hair	Maxwell	Steinberg
Anderson	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenne	Neal	Tobiassen
Childers, D.	Jennings	Peterson	Trask
Dunn	Johnston	Poole	Vogt
Frank	Kirkpatrick	Rehm	Ware
Gersten	Langley	Renick	
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	

Nays—None

On motion by Senator Scott, the rules were waived and HB 803 was ordered immediately certified to the House.

HB 814—A bill to be entitled An act relating to the City of Coral Springs and unincorporated Broward County; providing for the deannexation of specified parcels of property in unincorporated Broward County and annexation by the City of Coral Springs of said same parcel; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote HB 814 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Hair	Maxwell	Steinberg
Anderson	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenne	Neal	Tobiassen
Childers, D.	Jennings	Peterson	Trask
Dunn	Johnston	Poole	Vogt
Frank	Kirkpatrick	Rehm	Ware
Gersten	Langley	Renick	
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	

Nays—None

HB 836—A bill to be entitled An act relating to Broward County; amending sections 3 and 12A. of chapter 24415, Laws of Florida, 1947, as amended; deleting and eliminating the requirement that the commissioners of the South Broward Hospital District be freeholders; giving the board of commissioners the authority to sell and assign accounts receivable, notes receivable, and judgments at discount, and the authority to subordinate its interest in mortgage and judgment liens to the interests of third parties; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote HB 836 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Hair	Maxwell	Steinberg
Anderson	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenne	Neal	Tobiassen
Childers, D.	Jennings	Peterson	Trask
Dunn	Johnston	Poole	Vogt
Frank	Kirkpatrick	Rehm	Ware
Gersten	Langley	Renick	
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	

Nays—None

HB 891—A bill to be entitled An act relating to the Cities of Pembroke Pines and Hollywood, Broward County; providing for the deannexation of a specified parcel of property in the City of Hollywood and the annexation by the City of Pembroke Pines of the same parcel; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote HB 891 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Hair	Maxwell	Steinberg
Anderson	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenne	Neal	Tobiassen
Childers, D.	Jennings	Peterson	Trask
Dunn	Johnston	Poole	Vogt
Frank	Kirkpatrick	Rehm	Ware
Gersten	Langley	Renick	
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	

Nays—None

HB 892—A bill to be entitled An act relating to the City of Pembroke Pines and Unincorporated Broward County; providing for the deannexation of specific parcels of property from Unincorporated Broward County and the annexation by the City of Pembroke Pines of the same parcels; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote HB 892 was read the third time by

title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Hair	Maxwell	Steinberg
Anderson	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenne	Neal	Tobiassen
Childers, D.	Jennings	Peterson	Trask
Dunn	Johnston	Poole	Vogt
Frank	Kirkpatrick	Rehm	Ware
Gersten	Langley	Renick	
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	

Nays—None

HB 893—A bill to be entitled An act relating to the Port Everglades Authority, Broward County; amending section 3(n), Article 3, Part III, Chapter 59-1157, Laws of Florida, as amended; including in the powers and duties of the Port Director power to countersign all checks and warrants, except where by resolution of the Port Commission another officer or employee is authorized, and to sign all bonds and agreements, issued by the Port Authority; amending section 2(c), Article 4, Part III, Chapter 59-1157, Laws of Florida, as amended, including in the duties to be performed by the Port Treasurer, to sign all checks and warrants on behalf of the Port Authority, subject to countersignature of the Port Director, or by such other officer or employee designated by resolution of the Port Commission; and repealing Section 3(r), Article 3, Part III, Chapter 59-1157, Laws of Florida, as amended, which provides that among the powers and duties of the Port Director is the duty to prepare and submit to the Broward County Legislative Delegation a proposed merit retention system for Port Authority employees and provided for amendment to any such proposal by the Legislative Delegation by special act and provided that no merit retention, civil service or career service system may be utilized by Port Everglades Authority after June 30, 1982, except as a special act approved by the Broward County Legislative Delegation and passed by the legislature as an amendment to the Port Everglades Charter; and repealing Section 3(c), Article 4, Part III, Chapter 59-1157, Laws of Florida, as amended, which provides all checks, warrants or other instruments disbursing money to be signed by certain designated officers, otherwise to be void; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote HB 893 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Hair	Maxwell	Steinberg
Anderson	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenne	Neal	Tobiassen
Childers, D.	Jennings	Peterson	Trask
Dunn	Johnston	Poole	Vogt
Frank	Kirkpatrick	Rehm	Ware
Gersten	Langley	Renick	
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	

Nays—None

HB 894—A bill to be entitled An act relating to the Port Everglades Authority, Broward County; amending Section 1, Article 1, Part II of Chapter 59-1157, Laws of Florida, as amended; amending Sections 4 and 4(a), Part IV of Chapter 59-1157, Laws of Florida, as amended; providing that the two commission elective seats which stand for election in November, 1982, shall be for a two-year term to expire in 1984; providing that the two commission seats filled by gubernatorial appointment for a two year term to expire in 1982 shall again be filled for a two year term by gubernatorial appointment to expire in 1984; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote HB 894 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Hair	Maxwell	Steinberg
Anderson	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenne	Neal	Tobiassen
Childers, D.	Jennings	Peterson	Trask
Dunn	Johnston	Poole	Vogt
Frank	Kirkpatrick	Rehm	Ware
Gersten	Langley	Renick	
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	

Nays—None

Consideration of HB 913 was deferred.

HB 927—A bill to be entitled An act relating to the City of Milton, Santa Rosa County; amending section 3 of chapter 73-551, Laws of Florida, increasing to five the number of members of the civil service board of the city; providing that any qualified voter of the city shall be eligible to be a member of the board; providing for the election of the additional members of the board; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote HB 927 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Hair	Maxwell	Steinberg
Anderson	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenne	Neal	Tobiassen
Childers, D.	Jennings	Peterson	Trask
Dunn	Johnston	Poole	Vogt
Frank	Kirkpatrick	Rehm	Ware
Gersten	Langley	Renick	
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	

Nays—None

HB 961—A bill to be entitled An act relating to the North Lauderdale Water Control District in Broward County; amending sections 4 and 5 of chapter 63-661, Laws of Florida, to increase the number of members of the board of supervisors of the district from three to five; providing a 4-year term of office for members of the board; providing for an extension of the present term of membership for current members of the board or their successors in the event of a vacancy or the election of a new member prior to the effective date of this act; providing for subsequent elections and terms of membership for the board; providing that the term "acre of land" as currently defined be enlarged to include an acre or any portion thereof; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote HB 961 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Hair	Maxwell	Steinberg
Anderson	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenne	Neal	Tobiassen
Childers, D.	Jennings	Peterson	Trask
Dunn	Johnston	Poole	Vogt
Frank	Kirkpatrick	Rehm	Ware
Gersten	Langley	Renick	
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	

Nays—None

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended by the required Constitutional three-fifths vote of the membership of the House HB 967 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Dyer and others—

HB 967—A bill to be entitled An act relating to Dixie Drainage District, Broward County; changing the name of the district created under the authority of chapter 298, Florida Statutes, to the Plantation Acres Improvement District; broadening the powers and functions of the district in relation to the construction of roads and highways, drainage and water control systems; providing that the provisions of chapter 298, Florida Statutes, shall be applicable to the Plantation Acres Improvement District except provisions of sections: 298.07, 298.11, 298.12, 298.14, 298.17, 298.20, 298.48, 298.52, 298.54, 298.61, 298.70, 298.71, 298.72, 298.73, 298.74, Florida Statutes; providing for the management of the affairs of the district by a board of supervisors; providing for the powers and duties of the board of supervisors to carry out the purposes of the district; providing for the assessment and imposition upon the lands in the district of an ad valorem tax; authorizing the issuance of obligations of the district to finance the construction of the works and projects of the district; providing for alternative methods of adopting and completing a plan of road improvement or reclamation; providing for the enforcement of the provisions of the act or the rules adopted hereunder; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title. On motion by Senator Scott, the rules were waived and HB 967 was placed on the local bill calendar.

LOCAL BILL CALENDAR, continued

On motion by Senator Scott, by two-thirds vote HB 967 was read the second time by title.

Senator Scott moved the following amendments which were adopted:

Amendment 1—On page 3, line 3, strike everything after the enacting clause and insert: Section 1. Creation of the Plantation Acres Improvement District.—There is hereby created the Plantation Acres Improvement District, which includes all of the area previously within the Dixie Drainage District.

Section 2. Abolishment of the Dixie Drainage District.—The Dixie Drainage District, created pursuant to chapter 298, Florida Statutes, by decree of the circuit court in and for the seventeenth judicial circuit of the State of Florida, entered chancery No. C63-3992, on the 18th day of November, 1963, is hereby abolished.

Section 3. Debts and other obligations assumed.—All lawful debts, bonds, obligations, contracts, franchises, promissory notes, audits, minutes, resolutions and other undertakings of the Dixie Drainage District are hereby assumed by the Plantation Acres Improvement District and shall continue to be valid and binding on the Plantation Acres Improvement District in accordance with their respective terms, conditions, covenants and tenor. Any proceeding heretofore begun by the Dixie Drainage District under chapter 298, Florida Statutes, or any other law, for the construction of any improvements, works or facilities, for the assessment of benefits and damages or for the borrowing of money shall not be impaired or avoided by this act, but may be continued and completed in the name of the Plantation Acres Improvement District.

Section 4. Applicability of certain provisions of chapter 298, Florida Statutes, to the Plantation Acres Improvement District; inconsistent laws inapplicable.—The provisions of chapter 298, Florida Statutes, and all amendments thereto, now existing or hereafter enacted, are declared to be applicable to the Plantation Acres Improvement District insofar as not inconsistent with the provisions of this act or any subsequent special acts relating to the Plantation Acres Improvement District. Notwithstanding the foregoing, the provisions of sections 298.07, 298.11,

298.12, 298.14, 298.17, 298.20, 298.48, 298.52, 298.54, 298.61, 298.70, 298.71, 298.72, 298.73, 298.74, Florida Statutes, and amendments thereto, shall not be applicable to the Plantation Acres Improvement District.

Section 5. Definitions.—Unless the context shall indicate otherwise, the following words as used in this act shall have the following meanings:

(1) "Assessable improvements" includes without limitation any and all drainage and land reclamation works and facilities, storm sewers and drains, streets, roads or other projects of the district, or that portion or portions thereof, local in nature and of special benefit to the premises or lands served thereby, and any and all modifications, improvements and enlargements thereof.

(2) "Bond" includes "certificate," and provisions applicable to bonds shall be equally applicable to certificates. "Bond" includes general obligations bonds, assessment bonds, refunding bonds, revenue bonds, or any combination thereof, and such other obligations in the nature of bonds as are provided for in this act, as the case may be.

(3) "Board" means the board of supervisors of the Plantation Acres Improvement District, or if such board shall be abolished, the board, body or commission succeeding to the principal functions thereof or to whom the powers given by this act to the board shall be given by law.

(4) "Cost," when used with reference to any project, includes, but is not limited to, the expenses of determining the feasibility or practicability of acquisition, construction or reconstruction; the cost of surveys, estimates, plans and specifications; the cost of acquisition, construction or reconstruction; the cost of improvements; engineering, fiscal and legal expenses and charges; the cost of all labor, materials, machinery, and equipment; the cost of all lands, properties, rights, easements, and franchises acquired; federal, state, and local taxes and assessments; financing charges; the creation of initial reserve and debt service funds; working capital; interest charges incurred or estimated to be incurred on money borrowed prior to and during construction and acquisition and for such period of time after completion of construction or acquisition as the board may determine; the cost of issuance of bonds pursuant to this act including advertisements and printing, the cost of any election held pursuant to this act and all other expenses of issuance of bonds; discount, if any, on the sale or exchange of bonds; administrative expenses; such other expenses as may be necessary or incidental to the acquisition, construction or reconstruction of any project or to the financing thereof, or the development of any lands within the district; and reimbursement of any public or private body, person, firm or corporation for any moneys advanced in connection with any of the foregoing items of cost. Any obligation or expense incurred prior to the issuance of bonds in connection with the acquisition, construction or reconstruction of any project or improvements thereon, or in connection with any other development of land that the board of the district shall determine to be necessary or desirable in carrying out the purposes of this act, may be treated as a part of such cost.

(5) "District" means the Plantation Acres Improvement District and "District Manager" means the manager of the district.

(6) "Landowner" means the owner of the freehold estate, as appears by the deed record, including trustees, private corporations, and owners of cooperative and condominium units; it does not include reversioners, remaindermen, or mortgagees, who shall not be counted and need not be notified of proceedings under this act.

(7) "Project" means any development, improvement, property, utility, facility, works, road, enterprise, service or convenience, now existing or hereafter undertaken or established under the provisions of this act or under chapter 298, Florida Statutes.

(8) "Water and flood control facilities" means any canals, ditches or other drainage facilities, reservoirs, dams, levees, sluiceways, dredging holding basins, floodways, pumping stations or any other works, structures or facilities for the conservation, control, development, utilization and disposal of water, and any purposes appurtenant, necessary or incidental thereto, and includes all real and personal property and any

interest therein, rights, easements and franchises of any nature relating to any such water and flood control facilities or necessary or convenient for the acquisition, construction, reconstruction, operation, or maintenance thereof.

Section 6. Board; election; organization; terms of office; quorum; report and minutes.—

(1) The board of the district shall be the governing body of the district and shall exercise the powers granted to the district under this act and under chapter 298, Florida Statutes. The board shall consist of five members, and except as otherwise provided herein each member shall hold office for a term of 4 years and until his successor shall be chosen and shall qualify. A majority of the members of the board shall be residents of Broward County, and all members shall be residents of Florida. All members of the board shall be landowners within the district.

(2) The persons who are members of the board of supervisors of the Dixie Drainage District serving on or elected prior to January 1, 1982, shall be members of the board of the Plantation Acres Improvement District until December 1982 or until their respective terms expire, whichever is later.

(3) In the month of December of each even-numbered year commencing December 1982, there shall be held a meeting of the landowners of the district at the office of the district in Broward County, Florida, for the purpose of electing three supervisors for said district. Elections shall be conducted such that two members shall be elected to four-year terms and one member to a two-year term in accordance with general law. Further, there shall be an election as set forth herein in the month of December 1983 for the purpose of electing a supervisor to a one-year term. Notice of said landowners meeting shall be published once a week for 2 consecutive weeks in a newspaper in Broward County which is in general circulation within the district, the last of said publication to be not less than 14 days nor more than 28 days before the date of the election. The landowners when assembled at such meeting shall organize by electing a chairman who shall conduct the meeting. At such meeting each landowner shall be entitled to cast one vote per acre of land owned by him and located within the district, for each person to be elected. A landowner may vote in person or by proxy in writing. Fractions of an acre shall be treated as 1 acre, entitling the landowner to one vote with respect thereto.

(4) Each supervisor before entering upon his official duties, shall take and subscribe to an oath of office as prescribed in s. 298.13, Florida Statutes.

(5) All supervisors shall hold office for the terms for which they are elected or appointed and until their successors shall be chosen and qualify. In case of a vacancy in the office of any supervisor, the remaining supervisor or supervisors (even though less than a quorum) may fill such vacancy by appointment of a new supervisor or supervisors for the unexpired term of the supervisor who vacated his office.

(6) As soon as practicable after each election, the board shall organize by choosing one supervisor to be president of the board and by appointing a recording secretary, who need not be a member of the board.

(7) A majority of the members of the board shall constitute a quorum.

(8) The board shall keep a permanent record book entitled "Record of Proceedings of Plantation Acres Improvement District," in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, bonds given by all employees, and any and all corporate acts, which book shall at reasonable times be opened to the inspection of any landowner, taxpayer, resident, or bondholder of the district, and such other persons as the board may determine to have a proper interest in the proceedings of the board. Such record book shall be kept at any office or other regular place of business maintained by the board in Broward County.

(9) Whenever any election shall be authorized or required by this act to be held by the landowners at any particular or stated time or day, and if for any reasons such election is not held at such time or on such day, then in such event the power or duty to hold such election shall not cease or lapse, but such election shall be held thereafter when practicable, and in accordance with the procedures provided by this act.

Section 7. Appointment and duties of district manager.—For the purpose of preserving and maintaining any facility constructed or erected under the provisions of this act or under the provisions of chapter 298, Florida Statutes, and for maintaining and operating the equipment owned by the district and such other duties as may be prescribed by the board, the board may employ and fix the compensation of a district manager who shall have charge and supervision of the works of the district.

Section 8. Treasurer; depositories, fiscal agent.—

(1) The board shall designate a person who is a resident of Florida, or a bank or trust company organized under the laws of Florida or under the National Banking Act, as treasurer of the district, who shall have charge of the funds of the district. Such funds shall be disbursed only upon the order of or pursuant to the resolution of the board by warrant or check signed by the treasurer, or by such other person as may be authorized by the board. The board may give the treasurer such other or additional powers and duties as the board may deem appropriate, and fix his compensation. The board may require the treasurer to give a bond in such amount, on such terms and with such sureties as may be deemed satisfactory to the board to secure the performance by the treasurer of his powers and duties. The board shall audit or have audited the books of the treasurer at least once a year.

(2) The board is authorized to select as depositories in which the bonds of the board and of the district shall be deposited any banking corporation organized under the laws of Florida or under the national banking act, doing business in Florida, upon such terms and conditions as to the payment of interest by such depository upon the funds so deposited as the board may deem just and reasonable.

(3) The board may employ a fiscal agent to perform such duties and services at such rate of compensation as the board may determine.

Section 9. Compensation of board.—Each supervisor shall be entitled to receive for his services an amount not to exceed \$100 per month. In addition, each supervisor shall receive reasonable traveling expenses for attending district business outside of the district. Unless the board by resolution otherwise provides, such traveling expenses shall not be in excess of the amounts provided by law for state and county officials.

Section 10. Powers.—The district shall have, and the board may exercise, any or all of the following powers:

(1) To contract and be contracted with; to sue and be sued in the name of the district; to adopt and use a seal; to acquire by purchase, gift, devise, eminent domain, (except as limited herein), or otherwise, property, real or personal, or any estate therein, within the district, to be used for any of the purposes of this act.

(2) To adopt a plan of reclamation; and to establish, construct, operate, and maintain a system of main and lateral canals, drains, ditches, levees, dikes, dams, sluices, locks, revetments, reservoirs, holding basins, floodways, pumping stations, syphons, culverts, and storm sewers to drain and reclaim the lands within the district and to connect some or any of them with roads and bridges as in the judgment of the board is deemed advisable to provide access to such facilities.

(3) To acquire and maintain appropriate sites for storage and maintenance of the equipment of the district; to acquire and maintain and construct a suitable building to house the office and records of the district.

(4) To clean out, straighten, widen, open up or change the course and flow, alter or deepen any canal, ditch, drain, river, water course, or natural stream as within the judgement of the board is deemed advisable to drain and reclaim the lands within the district; to acquire, purchase, operate and maintain pumps, plants and pumping systems for drainage purposes; to construct, operate, and maintain irrigation works and machinery in connection with the purposes herein set forth.

(5) To regulate and set forth by appropriate resolution the drainage requirements and conditions to be met for any development upon any land within the district, including, but not limited to, authority to require as a condition precedent for any development that good and sufficient bond be posted to assure proper drainage for the area to be developed.

(6) To borrow money and issue bonds, certificates, warrants, notes or other evidences of indebtedness of the district as hereinafter provided.

(7) To build and construct any other works and improvements deemed necessary to preserve and maintain the works in or out of the district; to acquire, construct, operate, maintain, use, sell, convey, transfer, or otherwise provide for machines and equipment for any purpose authorized by this act or chapter 298, Florida Statutes; and to contract for the purchase, construction, operation, maintenance, use, sale, conveyance, and transfer of the said machinery and equipment.

(8) To construct or enlarge, or cause to be constructed or enlarged any and all bridges or culverts that may be needed in or out of the district, across any drain, ditch, canal, floodway, holding basin, excavation, public highway, tract, grade, fill, or cut; to construct roadways over levees and embankments; to construct any and all of said works and improvements across, through, or over any public right-of-way, highway, grade, fill, or cut in or out of the district.

(9) To hold, control, and acquire by donation, purchase or condemnation, any easement, reservation, or dedication in the district, for any of the purposes herein provided. To condemn as provided by chapters 73 and 74, Florida Statutes, or acquire, by purchase or grant for use in the district any land or property within the district necessary for the purpose of this act.

(10) To assess and impose upon all of the lands in the district an ad valorem tax, an annual improvement tax, and a maintenance tax as hereinafter provided.

(11) To impose and foreclose special assessment liens as hereinafter provided.

(12) To prohibit, regulate and restrict by appropriate resolution all structures, materials, things, whether solid, liquid, or gas, whether permanent or temporary in nature, which come upon, come into, connect to or be a part of any facility owned or operated by the district.

(13) To administer and provide for the enforcement of all of the provisions herein, including the making, adopting, promulgating, amending, and repealing of all rules and regulations necessary or convenient for the carrying out of the duties, obligations and powers conferred on the district created hereby.

(14) To cooperate with or contract with other drainage districts or other governmental agencies as may be necessary, convenient, incidental or proper in connection with any of the powers, duties or purposes of the district as stated in this act.

(15) To employ engineers, attorneys, consultants, agents, employees, and representatives as the board of supervisors may from time to time determine necessary and to fix their compensation and duties.

(16) To exercise all of the powers necessary, convenient, incidental or proper in connection with any of the powers, duties or purposes of said district as stated in this act.

(17) To construct, improve and maintain roadways and roads necessary and convenient to provide access to an efficient development of areas made suitable and available for cultivation, development, settlement, urban subdivision, homesites, and other beneficial developments as a result of the drainage operations of the district.

(18) To make use of any public easements, dedications to public use, platted reservations for public purposes, or any reservations for roadway or drainage purposes within the boundaries of the district.

(19) To lease as lessor or lessee to or from any person, firm, corporation, association, or body, public or private, any projects of the type that the district is authorized to undertake and facilities or property of any nature for the use of the district to carry out any of the purposes of this act.

(20) To regulate the supply and level of water within the district; to divert waters from one area, lake, pond, river, stream, basin, or drainage or water flood control facility to any other area, lake, pond, river, stream, basin, or drainage and water flood control facility; to regulate control and restrict the development and use of natural or artificial streams or bodies of water, lakes, or ponds; and to take all measures determined by the board to be necessary or desirable to prevent or alleviate land erosion or flooding. The powers granted to the district by this subsection shall be concurrent, within the boundaries of the district, with other public bodies, agencies, or authorities as may be authorized by law. The district is

eligible to receive moneys, disbursements and assistance from the state available to flood control or water management districts and navigation districts or agencies.

(21) To issue general obligation bonds, revenue bonds, assessment bonds or any other bonds or obligations authorized by the provisions of this act or any other law, or any combination of the foregoing, to pay all or part of the cost of the acquisition, construction, reconstruction, extension, repair, improvement, maintenance or operation of any project or combination of projects, to provide for any facility, service or other activity of the district and to provide for the retirement or refunding of any bonds or obligations of this district, or for any combination of the foregoing purposes.

(22) To exercise any and all other powers conferred upon drainage districts by chapter 298, Florida Statutes.

Section 11. Seal.—The official seal of the district shall bear the legend "Plantation Acres Improvement District, Broward County, Florida, Seal, Established 1982."

Section 12. Fiscal year.—The board by resolution shall establish the fiscal year for the district.

Section 13. Annual budget.—Prior to May 15 of each year after this act is effective, the manager of the district shall prepare a proposed budget to be submitted to the board for their approval. The proposed budget shall include an estimate of all necessary expenditures of the district for the next ensuing fiscal year and an estimate of income to the district from the taxes and assessments provided in this act. The board shall consider the proposed budget item by item and may either approve the budget as proposed by the district manager or modify the same in part or in whole. The board shall indicate their approval of the budget by resolution, which resolution shall provide for a hearing on the budget as approved. Notice of the hearing on the budget shall be published in a newspaper in general circulation within the district in Broward County, Florida, once a week for 2 consecutive weeks; providing that the second publication shall not be less than 7 days after the first publication. The notice shall be directed to all landowners in the district and shall state the purpose of the meetings. The notice shall further contain a designation of the date, time and place of the public hearing, which shall be not less than 7 days after the second publication. At the time and place designated in the notice, the board shall hear all objections to the budget as proposed, and make such changes as the board deems necessary. At the conclusion of the budget hearing the board shall, by resolution, adopt the budget as finally approved by the board.

Section 14. Notice and call of meetings of landowners; quorum; adjournments; representation at meetings; taking action without meeting.—

(1) The board shall publish notice of all meetings of landowners once a week for 2 consecutive weeks prior to such meeting in a newspaper in Broward County in general circulation within the district. Meetings of landowners shall be held in a public place, or any other place made available for the purpose of such meeting in the Broward County Courthouse and the place, date, and hour of holding such meeting and the purpose thereof shall be stated in the notice. Landowners representing a majority of the number of acres in the district, present in person or by proxy, shall constitute a quorum at any meeting of the landowners; provided that irrespective of the number of acres represented, there shall be a minimum of five landowners owning separate parcels of land, at each meeting.

(2) The board may call special meetings of the landowners at any time to receive reports of the board or for such other purpose as the board may determine. A special meeting of the landowners may also be called at any time upon notice as provided hereinabove at the written request of the owners of not less than 25 percent in acreage of the land within the district for the purpose of taking any lawful action by the landowners of the district. Such special meeting shall be called by any court of competent jurisdiction in the event that the board fails to do so upon request as provided in the preceding sentence. Except as otherwise provided in section 4 of this act with respect to the election of supervisors, action taken at a meeting of the landowners shall be by affirmative vote of the owners of at least a majority in acreage of the land within the district represented at such meeting.

(3) If no quorum is present or represented at a meeting of the landowners at the time and place the same is called to

be held, the landowners present and represented, although less than a quorum, may adjourn to another time or day, and at such or any subsequent adjourned meeting may, if a quorum is then present or represented, take any action that the landowners could have taken at the meeting or meetings so adjourned for lack of a quorum.

(4) At any meeting of the landowners, guardians may represent their wards; executors and administrators may represent the estate of deceased persons; trustees may represent lands held by them in trust; and private corporations may be represented by their duly authorized proxy. All landowners, including guardians, executors, administrators, trustees, and corporations, may be represented and vote by proxy.

Section 15. Plan of improvement of roads and reclamation; proceedings thereof.—The board may proceed to adopt a plan of reclamation as provided in chapter 298, Florida Statutes, or as provided in this section, in which case the following shall apply:

(1) The board shall cause to be made by the chief engineer or such other engineer or engineers as the board may employ for that purpose, a complete and comprehensive plan for the drainage and reclamation of the lands or improvements of roads located within the district. The engineer or engineers designated by the board to make said plan shall make all necessary surveys of the lands within the boundary lines of said district and of all lands adjacent thereto that will be improved or reclaimed in part or in whole by any system of drainage that may be outlined and adopted, and shall make a report in writing to the board with maps and profiles of said surveys, which report shall contain a full and complete plan for drainage and reclaiming the lands located within the district from overflow or damage by water, with the length, width, and depth of such canals, ditches, dikes, levees, roads, or other works as may be necessary in conjunction with any canals, drains, ditches, dikes, levees, or other works heretofore constructed by any other drainage or reclamation district, or any other person or persons, or which may hereafter be built by any or either of such agencies that may be necessary or which can be advantageously used in such plan and also an estimate of the cost of carrying out and completing the plan, including the cost of superintending the same and all incidental expenses in connection therewith.

(2) Upon the completion of such plan, the board shall hold a hearing thereon to hear objections thereto and shall give notice of the time and place fixed for such hearing by publication once each week for 2 consecutive weeks in a newspaper published in Broward County of general circulation in the district, and shall permit the inspection of said plan at the office of the district by all persons interested. All objections to said plan shall be filed at or before the time fixed in said notice for the hearing and shall be in writing.

(3) After said hearing the board shall consider the proposed plan and any objections thereto, and may modify, reject, or adopt the plan, or may continue the hearing to a day certain for further consideration of the proposed plan or modifications thereof.

(4) When the board shall approve a plan a resolution shall be adopted and a certified copy thereof shall be filed in the office of the secretary and incorporated into the records of the district.

(5) The plan may be altered in detail from time to time until the appraisal record herein provided is filed, but not in such manner as materially to effect the conditions of its adoption. After the appraisal record has been filed no alterations of the plan of reclamation or improvement shall be made, except as provided by this act.

(6) Within 20 days after the final adoption of the plan by the board, the secretary of the district shall prepare and transmit a certified copy thereof to the clerk of the circuit court and at the same time the board shall file with said clerk a petition that the said court appoint three commissioners to appraise the lands to be acquired for right-of-way, holding basins, and other roadway or drainage works or both of the district and to assess benefits and damages accruing to all lands within the district by reason of the execution of the plan. Immediately after the filing of such petition the judge of said court in whose division the petition shall have been assigned shall by an order appoint three commissioners, who shall be freeholders residing within Florida, and who shall

not be landowners in said district, not of kin within the fourth degree of consanguinity to any person owning land in said district. A majority of said commissioners shall constitute a quorum and shall control the action of the commissioners on all questions.

(7) Immediately upon the filing of said order of appointment, the secretary of the district shall notify each of said commissioners of his appointment, and in the said notice he shall state the time and place for the first meeting of said commissioners. The secretary of the district, or his deputy, shall attend such meeting and shall furnish to said commissioners a complete list of lands embraced in the district, or adjacent thereto, that will be affected by the execution of the plan. The secretary shall also furnish to the commissioners a copy of the plan and such other papers, documents and information as the commissioners require. The commissioners at the meeting shall each take and subscribe to an oath that he will faithfully and impartially discharge his duties as such commissioner and make a true report of the work performed by such commissioners, and shall elect one of their number chairman. The secretary of the district, or his deputy, shall be ex officio secretary to the commissioners, and the attorney for the district, and other agents and employees thereof shall cooperate with the commissioners and furnish to them such advice, assistance and cooperation as they shall require.

(8) Immediately after qualifying as provided in the previous paragraph, the commissioners shall commence the performance of their duties; the chief engineer, or one of his assistants, shall accompany said commissioners when engaged in the discharge of their duties and shall render his opinion in writing when called for. Said commissioners shall proceed to view the premises and determine the value of the lands within or without the district to be acquired and used for rights-of-way, holding basins, and other works described in the plan; they shall appraise all benefits and damages which will accrue to all lands by reason of the execution of the plan. The commissioners in appraising benefits to lands, public highways, railroads and other rights-of-way shall not consider what benefit will be derived by such property after other ditches, improvements, or other plans shall have been constructed, but they shall appraise only such benefits as will be derived from the construction of the works and improvements described in the plan of improvement or reclamation or as the same may afford an outlet for drainage or protection from overflow of such property. The commissioners shall give due consideration and credit to any other drainage works or roads which have already been constructed and which afford partial or complete protection on any tract or parcel of land within the district. The public highways, railroads and other rights-of-way shall be appraised according to the increased physical efficiency and decreased maintenance cost of roadways by reason of the improvements. The commissioners shall have no power to change the plan of improvement or reclamation. The commissioners shall prepare a report of their findings, which shall be arranged in tabular form, the columns of which shall be headed as follows: Column 1 "Owner of Property Appraised"; Column 2 "Description of Property Appraised"; Column 3 "Number of Acres Appraised"; Column 5 "Amount of Damages Appraised"; Column 6 "Number of acres to be Taken for Right-of-Way, Holding Basins, etc."; Column 7 "Value of Property to be Taken." They shall also, by and with the advice of the chief engineer, estimate the cost of the works described in the plan, which estimate shall include the cost of property required for rights-of-way, holding basins, and other works, the probable expense of organization and administration as estimated by the board of supervisors, and all of the expenses of the district during the period of executing the plan. Before appraisals of compensation and damages are made the board may report to the commissioners the parcels of land it may wish to purchase and for which it may wish appraisals to be made, both for easement and for purchase in fee simple, and the board may specify the particular purpose for which, and the extent to which, an easement in any property is desired describing definitely such purpose and extent. Wherever so instructed to do by the board, the commissioners shall appraise lands which it may be necessary or desirable for the district to own and when so requested by the board they shall also appraise both the total value of the land and also the damages due to any easement required for the purposes of the district. The report of the commissioners shall be signed by at least a majority of the commissioners and filed in duplicate in the office of the clerk of the circuit court of Broward County, Florida. Each commissioner shall be paid \$100 per day for his services and necessary expenses in

addition thereto, but in no event shall any commissioner's compensation exceed \$3,000.

(9) Upon the filing of the report of the commissioners, the clerk shall give notice thereof by causing one copy thereof to be served upon South Florida Water Management District and publication to be made once a week for 2 consecutive weeks in a newspaper published in Broward County and of general circulation in the district. It shall not be necessary for the clerk to name the parties interested, nor to describe separate lots or tracts of land in giving said notice, but it shall be sufficient to publish the said notice in the following form:

"NOTICE OF FILING COMMISSIONERS' REPORT FOR PLANTATION ACRES IMPROVEMENT DISTRICT.

Notice is hereby given that the Commissioners heretofore appointed to appraise benefits and damages to property and lands located within Plantation Acres Improvement District in the State of Florida and to appraise the cash value of the land necessary to be taken for rights-of-way, easements, holding basins and other works of said district did file their report in the office of the undersigned Clerk of the Circuit Court, upon the day of, 19...., and you, and each of you, are hereby notified that you may examine said report and file exceptions to same on or before the day of, 19.... (which date shall be not less than 28 days nor more than 30 days from the first date of publication).

.....
Clerk of the Circuit Court
of Broward County, Florida"

The South Florida Water Management District, the Plantation Acres Improvement District, or any owner of land or other property to be affected by said report, may file exception to any part, or all, of the report of said commissioners within the time specified in the notice prescribed in the preceding paragraph. All exceptions shall be heard and determined by the court. If no exceptions are filed, or if it is shown, upon the hearing of all of said exceptions, that the estimated cost of construction of improvements contemplated in the plan of improvements or reclamation is less than the benefits assessed against the lands in said district, the court shall approve and confirm said commissioners' report, but, if the court upon hearing the objections filed, finds that any or all such objections should be sustained, it shall order the report changed to conform with such findings, and when so changed the court shall approve and confirm such report and enter its decree accordingly. The court shall adjudge and apportion the costs incurred by the exceptions filed, and shall condemn any land or other property, that is shown by the report of the commissioners to be needed for rights-of-way, holding basins or other works, following the procedure provided in chapters 73 and 74, Florida Statutes. However, any property owner may accept the assessment of damages in his favor made by the commissioners, or acquiesce in their failure to assess damages in his favor, and shall be construed to have done so, unless he gives the supervisors of the district, on or before the time shall have expired for filing exceptions, as provided in this act, notice in writing that he demands an assessment of his damages by a jury in which event the supervisors of the district shall institute in the circuit court of Broward County an action to condemn the lands and other property that must be taken or damaged in the making of such improvements, with the right and privilege of paying into court a sum to be fixed by the circuit court or judge, and proceeding with the work, before the assessment by the jury; provided, any person or party interested may prosecute and appeal to the appropriate district court of appeal in the manner and within the time provided by the Florida appellate rules.

The clerk of the circuit court of Broward County, shall transmit a certified copy of the court decree and copy of the commissioners' report, as confirmed or amended by the court to the secretary of the board, and such clerk shall receive a fee of \$5 for receiving, filing and preserving same as a permanent report.

Section 16. Adoption, revision and revocation of plan of improvement or reclamation.—In addition to and not in limitation of its power to provide for and adopt a plan of improvement or reclamation provided in section 15 herein or under chapter 298, Florida Statutes, and amendments thereto, the board may at any time and from time to time adopt, revoke, or modify in whole or in part, any plan of reclamation or any plan providing for the construction of roads upon or the drainage

of lands within the district, and may provide for such new and additional drainage facilities, canals, ditches, levees, roads and other works as the board may determine. In connection with the revision of any plan of reclamation or the providing of any new or additional road or drainage facilities, canals, ditches, levees, or other works, or in the event the total taxes and assessments theretofore levied or the funds derived from the sale of bonds are insufficient to pay the cost of any drainage works, benefits may be reassessed, additional assessments made and taxes levied in accordance with the procedures provided in this act or in chapter 298, Florida Statutes. The board may at any time approve and make effective technical changes or modifications in any plan of improvement or reclamation not affecting assessed benefits, levy or taxes or the security of bondholders.

Section 17. Assessing land for improvement or reclamation; apportionment of tax; lands belonging to state assessed; improvement tax record.—After the lists of lands, with the assessed benefits and the decree and judgment of court, have been filed in the office of the clerk of the circuit court as provided in section 15, then the board shall, without any unnecessary delay, levy a tax of such portion of said benefits, on all lands in the district to which benefits have been assessed, as may be found necessary by the board of supervisors to pay the costs of the completion of the proposed works and improvements, as shown in said plan of improvement or reclamation and in carrying out the objects of said district; and, in addition thereto, 10 percent of said total amount for emergencies. The said tax shall be apportioned to, and levied on, each tract of land in said district in proportion to the benefits assessed, and not in excess thereof; and in case bonds are issued, as provided in this chapter, a tax shall be levied in a sum not less than an amount 90 percent of which shall be equal to the principal of said bonds. The amount of bonds to be issued for paying the cost of the works as set forth in the plan shall be ascertained and determined by the board, provided, however, that the total amount of all bonds to be issued by the district shall in no case exceed 90 percent of the benefits assessed upon the lands of the district. The amount of the interest (as estimated by said board), which will accrue on such bonds, shall be included and added to the said tax, but the interest to accrue on account of the issuing of said bonds shall not be construed as a part of the costs of construction in determining whether or not the expenses and costs of making said improvements are equal to, or in excess of, the benefits assessed. The secretary of the board of supervisors, as soon as said total tax is levied, shall, at the expense of the district, prepare a list of all taxes levied, in the form of a well bound book which book shall be endorsed and named "IMPROVEMENT TAX RECORD OF PLANTATION ACRES IMPROVEMENT DISTRICT, BROWARD COUNTY, FLORIDA," which endorsement shall be printed or written at the top of each page in said book, and shall be signed and certified by the president and secretary of the board, attested by the seal of the district, and the same shall thereafter become a permanent record in the office of said secretary.

Section 18. Prepayment of taxes or assessments.—The board may provide that any tax or assessment may be paid at any time before due, together with interest accrued thereon to the date of prepayment and any prepayment premiums or penalties, if such prior payment shall be permitted by the proceedings authorizing any bonds or other obligations for the payment of which special assessments have been pledged or taxes levied.

Section 19. Tax liens.—All taxes and special assessments of the district provided for in this act or chapter 298, Florida Statutes, together with all penalties for default in the payment of the same and all costs in collecting the same including a reasonable attorney's fees fixed by the court and taxed as cost in the action brought to enforce payment, shall from January 1 for each year the property is liable to assessment and until paid constitute a lien of equal dignity with the liens for state and county taxes upon all the lands against which such taxes shall be levied. A sale of any of the real property within the district for state and county or other taxes shall not operate to relieve or release the property so sold from the lien for subsequent district taxes or installments of district taxes which lien may be enforced against such property as through no such sale thereof had been made. The provisions of ss. 194.-171 and 197.056, Florida Statutes, and amendments thereto shall be applicable to district taxes with the same force and effect as if said provisions were expressly set forth in this act.

Section 20. Issuance of bond anticipation notes.—In addition to the other powers provided for in this act and not in limitation thereof, the district shall have the power, at any time and from

time to time, after the authorization to issue any bonds of the district, to borrow money for the purposes for which such bonds are to be issued and in anticipation of the receipt of the proceeds of the sale of such bonds. Such bond anticipation notice may be issued, at any time and from time to time, to issue bond anticipation notes in a principal sum not in excess of the authorized maximum amount of such bond issue. Such notes shall be in such denomination or denominations, bear interest at such rate as the board may determine not to exceed the maximum rate allowed by law, mature at such time or times not later than 5 years from the date of issuance, and be in such form and executed in such manner as the board shall prescribe. Such notes may be sold at either public or private sale, or if such notes shall be renewal notes, may be exchanged for notes then outstanding on such terms as the board shall determine. Such notes shall be paid from the proceeds of such bonds when issued. The board may in its discretion, in lieu of retiring the notes by means of bonds, retire them by means of current revenues or from any taxes or assessments levied for the payment of such bonds, but in such event a like amount of the bonds authorized shall not be issued.

Section 21. Short term borrowing.—The district at any time may obtain loans, in such amount and on such terms and conditions as the board may approve, for the purpose of paying any of the expenses of the district or any costs incurred or that may be incurred in connection with any of the projects of the district, which loans shall have a term not exceeding 2 years from the date of issuance and may be renewable for a like term or terms and shall bear such interest as the board may determine, not to exceed the highest rate allowed by law, and may be payable from and secured by a pledge of such funds, revenues, taxes and assessments as the board may determine. For the purpose of defraying such costs and expenses, the district may issue negotiable notes, warrants or other evidences of debt signed on behalf of the district by any one of the board duly authorized by the board, such notes or other evidences of indebtedness to be payable at such times, to bear such interest as the board may determine not to exceed 10 percent per annum, and to be sold or discounted at such price or prices and on such terms as the board may deem advisable. The board shall have the right to provide for the payment thereof by pledging the whole or any part of the funds, revenues, taxes, and assessments of the district. The approval of the qualified electors who are freeholders residing in the district shall not be necessary except where required by Florida law.

Section 22. Trust agreements.—In the discretion of the board, any issue of bonds may be secured by a trust agreement by and between the district and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the state. The resolution authorizing the issuance of the bonds or such trust agreement may pledge the revenues to be received from any projects of the district and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as the board may approve, including without limitation covenants setting forth the duties of the district in relation to the acquisition, construction, reconstructions, improvements, maintenance, repair, operation, and insurance of any projects, the fixing and revising of the rates, fees, and charges, and the custody, safeguarding and application of all moneys, and for the employment of consulting engineers in connection with such acquisition, construction, reconstruction, improvement, maintenance, repair, or operation. It shall be lawful for any bank or trust company incorporated under the laws of the state which may act as a depository of the proceeds or bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the district. Such resolution or trust agreement may set forth the rights and remedies of the bondholders and of the trustee, if any, and may restrict the individual right of action by bondholders. The board may provide for the payment of the proceeds of the sale of the bonds and the revenues of any project to such officer, board or depository as it may designate for the custody thereof, and for the method of disbursement thereof with such safeguards and restrictions as it may determine. All expenses incurred in carrying out the provisions of such resolution or trust agreement may be treated as part of the cost of operation of the project to which such trust agreement pertains.

Section 23. Sale of bonds.—Bonds may be sold in blocks or installments at different times, or an entire issue or series may be sold at one time. Bonds may be sold at public or private sale after such advertisement, if any, as the board may

deem advisable but not in any event at less than 95 percent of the par value thereof, together with accrued interest thereon. Bonds may be sold or exchanged for refunding bonds. Special assessment and revenue bonds may be delivered as payment by the district of the purchase price or lease of any project or part thereof, or a combination of projects or parts thereof, or as the purchase price or exchanged for any property, real, personal or mixed, including franchises, or services rendered by any contractor, engineer or other person, all at one time or in blocks from time to time, in such manner and upon such terms as the board in its discretion shall determine. The price or prices for any bonds sold, exchanged or delivered may be:

- (1) The money paid for the bonds.
- (2) The principal amount, plus accrued interest to the date of redemption or exchange, or outstanding obligations exchanged for refunding bonds.
- (3) In the case of special assessment or revenue bonds, the amount of any indebtedness to contractors or other persons paid with such bonds, or the fair value of any properties exchanged for the bonds, as determined by the board.

Section 24. Authorization and form of bonds.—Bonds may be authorized by resolution or resolutions of the board which shall be adopted by a majority of all of the members thereof then in office. Such resolution or resolutions may be adopted at the same meeting at which they are introduced, and need not be published or posted. The board may by resolution authorize the issuance of bonds, fix the aggregate amount of bonds to be issued, the purpose or purposes for which the moneys derived therefrom shall be expended, the rate or rates of interest, not to exceed the highest rate allowed by law, the denomination of the bonds, whether or not the bonds are to be issued in one or more series, the date or dates of maturity, which shall not exceed 40 years from their respective dates of issuance, the medium of payment, the place or places within or without the state where payment shall be made, registration privileges, redemption terms and privileges (whether with or without premium), the manner of execution, the form of the bonds including any interest coupons to be attached thereto, the manner of execution of bonds and coupons, and any and all other terms, covenants and conditions thereof, and the establishment of revenue or other funds. Such authorizing resolution may further provide that such bonds may be executed manually or by engraved, lithographed or facsimile signature, provided that where signatures are engraved, lithographed or facsimile no bond shall be valid unless countersigned by a registrar or other officer designated by appropriate resolution of the board. The seal of the district may be affixed, lithographed, engraved or otherwise reproduced in facsimile on such bonds. In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery.

Section 25. Interim certificates; replacement certificates.—Pending the preparation of definitive bonds, the board may issue interim certificates or receipts or temporary bonds, in such form and with such provisions as the board may determine, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The board may also provide for the replacement of any bonds which shall become mutilated or be lost or destroyed.

Section 26. Negotiability of bonds.—Any bond issued under this act and any interim certificate, receipt or temporary bond, in the absence of an express recital on the face thereof that it is nonnegotiable, shall be fully negotiable and shall be and constitute negotiable instruments within the meaning and for all purposes of the law merchant and the laws of Florida.

Section 27. Defeasance.—The board may make such provision with respect to the defeasance of the right, title and interest of the holders of any of the bonds and obligations of the district in any revenues, funds or other properties by which such bonds are secured as the board deems appropriate and, without limitation on the foregoing, may provide that when such bonds or obligations become due and payable or shall have been called for redemption, and the whole amount of the principal and interest and premium, if any, due and payable upon the bonds or obligations then outstanding shall be paid, or sufficient moneys or direct obligations of the United States Government the principal of and the interest on which when due will provide sufficient moneys, shall be held or deposited

in trust for such purpose, and provisions shall also be made for paying all other sums payable in connection with such bonds or other obligations, then and in such event the right, title, and interest of the holders of the bonds in any revenues, funds or other properties by which such bonds are secured shall thereupon cease, determine and become void, and the board may apply any surplus in any sinking fund established in connection with such bonds or obligations and all balances remaining in all other funds or accounts other than money held for the redemption or payment of the bonds or other obligations to any lawful purpose of the district as the board shall determine.

Section 28. Issuance of additional bonds.—If the proceeds of any bonds shall be less than the cost of completing the project in connection with which such bonds are issued, the board may authorize the issuance of additional bonds, upon such terms and conditions as the board may provide in the resolution authorizing the issuance thereof, but only in compliance with the resolution or other proceedings authorizing the issuance of the original bonds.

Section 29. Refunding bonds.—The district shall have the power to issue bonds to provide for the retirement or refunding of any bonds or obligations of the district that at the time of such issuance are or subsequently thereto become due and payable, or that at the time of issuance have been called or are or will be subject to call for redemption within 10 years thereafter, or the surrender of which can be procured from the holders thereof at prices satisfactory to the board. Refunding bonds may be issued at any time when in the judgment of the board such issuance will be advantageous to the district. No approval of the qualified electors who are freeholders residing in the district shall be required for the issuance of refunding bonds except in cases where such approval is required by the constitution. The board may by resolution confer upon the holders of such refunding bonds all rights, powers, and remedies to which the holders would be entitled if they continued to be the owners and had possession of the bonds for the refinancing of which said refunding bonds are issued, including, but not limited to, the preservation of the lien of such bonds on the revenues of any project or on pledged funds, without extinguishment, impairment or diminution thereof. The provisions of this act pertaining to bonds of the district shall, unless the context otherwise requires, govern the issuance of refunding bonds, the form and other details thereof, the rights of the holders thereof, and the duties of the board with respect to the same.

Section 30. Revenue bonds.—

(1) The district shall have the power to issue revenue bonds from time to time without limitation as to amount. Such revenue bonds may be secured by or payable from the gross or net pledge of the revenues to be derived from any project or combination of projects, from the rates, fees, or other charges to be collected from the users of any project or projects, from any revenue-producing undertaking or activity of the district, or from any other source or pledged security. Such bonds shall not constitute an indebtedness of the district, and the approval neither of the qualified electors nor of the qualified electors who are freeholders shall be required unless such bonds are additionally secured by the full faith and credit and taxing power of the district in which case approval of the qualified electors who are freeholder shall be required.

(2) Any two or more projects may be combined and consolidated into a single project, and may thereafter be operated and maintained as a single project. The revenue bonds authorized herein may be issued to finance any one or more of such projects regardless whether or not such projects have been combined and consolidated into a single project. If the board deems it advisable, the proceedings authorizing such revenue bonds may provide that the district may thereafter combine the projects then being financed or theretofore financed with other projects to be subsequently financed by the district, and that revenue bonds to be thereafter issued by the district shall be on parity with the revenue bonds then being issued, all on such terms, conditions, and limitations as shall be provided, and may further provide that the revenues to be derived from the subsequent projects shall at the time of the issuance of such parity revenue bonds be also pledged to the holders of any revenue bonds theretofore issued to finance the revenue undertakings which are later combined with such subsequent projects. The district may pledge for the security of the revenue bonds a fixed amount, without regard to any fixed proportion of the gross revenues of any project.

Section 31. General obligation bonds.—

(1) The district shall have the power from time to time to issue general obligation bonds in an aggregate principal amount of bonds outstanding at any one time not in excess of 35 percent of the assessed value of the taxable property within the district as shown on the pertinent tax records at the time of the authorization of the general obligation bonds for which the full faith and credit of the district is pledged. Except for refunding bonds, no general obligation bonds shall be issued unless the issuance thereof shall have been approved at a election of freeholders who are qualified electors, which shall be called and held in accordance with the requirements for such election as prescribed by the constitution and election laws of Florida. Such elections shall be called to be held in the district by the board of county commissioners of Broward County upon the request of the board of the district. The expenses of calling and holding such referendum elections shall be borne by the district and the district shall reimburse the county for any expenses incurred in calling or holding such elections. In the alternative, at the option of the board, the board may make such other provision for the registration of such qualified electors who are freeholders and the calling and holding of such elections as the board may from time to time deem appropriate.

(2) The district may pledge its full faith and credit for the payment of the principal and interest on such general obligation bonds, and for any reserve or other funds provided therefor, and may unconditionally and irrevocably pledge itself to levy ad valorem taxes on all taxable property in the district, to the extent necessary for the payment thereof, without limitations as to rate or amount.

(3) If the board shall determine to issue general obligation bonds for more than one different purpose, the approval of the issuance of the bonds for each and all such purposes may be submitted to the freeholders on one and the same ballot. The failure of the freeholders to approve the issuance of bonds for any one or more purposes shall not defeat any approval of bonds for any other purpose.

Section 32. Bonds as legal investment or security.—

Notwithstanding any provisions of any other law to the contrary, all bonds issued under the provisions of this act shall constitute legal investments for savings banks, banks, trust companies, insurance companies, executors, administrators, trustee guardians and other fiduciaries, and for any board, body, agency, instrumentality, county, municipality, or other political subdivision of the state, and shall be and constitute securities which may be deposited by banks or trust companies as security for deposits of state, county, municipal, or other public funds, by insurance companies as required or voluntary statutory deposits.

Section 33. Covenants.—Any resolution authorizing the issuance of bonds may contain such covenants as the board may deem advisable and all such covenants shall constitute valid and legally binding and enforceable contracts between the district and the bondholders, regardless of the time of issuance thereof. Such covenants may include, without limitation, covenants concerning the disposition of the bond proceeds, the use and disposition of project revenues, the pledging of revenues, taxes and assessments, the obligations of the district with respect to the operation of the project and the maintenance of adequate project revenues, the issuance of additional bonds, the appointment powers and duties of trustees and receivers, the acquisition of outstanding bonds and obligations, restrictions on the establishing of competing projects or facilities, restrictions on the sale or disposal of the assets and property of the district, the priority of assessment liens, the priority of claims by bondholders on the taxing power of the district, the maintenance of deposits to assure the payment of revenues by users of district facilities or services, the discontinuance of district services by reason of delinquent payments, acceleration upon default, the execution of necessary instruments, the procedure for amending or abrogating covenants with the bondholders, and such other covenants as may be deemed necessary or desirable for the security of the bondholders.

Section 34. Validity of bonds; validation proceedings.—

(1) Any bonds issued by the district shall be incontestable in the hands of bona fide purchasers or holders for value and shall not be invalid because of any irregularity or defects in proceedings for the issue and sale thereof. Prior to the issuance of any bonds, the district may, but is not required to, publish

notice at least once in a newspaper or newspapers of general circulation in Broward County and within the district stating the date of adoption of the resolution authorizing such obligations, the amount, the maximum rate of interest and maturity of such obligations, and the purpose in general terms for which such obligations are to be issued, and further stating that any action or proceeding questioning the validity of such obligations or of the proceedings authorizing the issuance thereof, or of any of the covenants made therein, must be instituted within 20 days after the first publication of such notice, or the validity of such obligations, proceedings and covenants shall not be thereafter questioned in any court whatsoever. If no such action or proceeding is so instituted within such 20-day period then the validity of such obligations, proceedings and covenants shall be conclusive, and all persons or parties whatsoever shall be forever barred from questioning the validity of such obligations, proceedings, or covenants in any court whatsoever.

(2) The power of the district to issue bonds under the provisions of this act may be determined and any of the bonds of the district may be validated and confirmed by circuit court decree, under the provisions of chapter 75, Florida Statutes, and laws amendatory thereof or supplementary thereto.

Section 35. Authority for issuance of bonds.—This act constitutes full and complete authority for the issuance of bonds and the exercise of the powers of the district provided herein. No procedures or proceedings, publications, notices, consents, approvals, orders, acts or things by the board, or any board, officers, commission, department, agency or instrumentality of the district, other than those required by this act, shall be required to issue any bonds or to do any act or perform anything under this act, and the issuance or sale of bonds pursuant to the provisions of this act need not comply with the requirements of any other law applicable to the issuance or sale of bonds, except as otherwise provided in this act, and shall not require the consent or approval of the board of drainage commissioners of the State of Florida or of any other board, officers, commission, department, agency, or instrumentality of the State of Florida or any political subdivision thereof. Except as otherwise provided herein, no proceedings or procedures of any character whatever shall be necessary or required for the issuance of bonds other than the adoption of an appropriate resolution by the board as provided in this act with respect to the issuance of the same. The powers conferred by this act on the district with respect to the issuance and sale of bonds shall be in addition and supplemental to the powers conferred by any other law.

Section 36. Pledge by the State of Florida to the bondholders of the district and to the Federal Government.—The State of Florida pledges to the holders of any bonds issued under this act that it will not limit or alter the rights of the district to own, acquire, construct, reconstruct, improve, maintain, operate or furnish the projects or to levy and collect the taxes, assessments, rentals, rates, fees, and other charges provided for herein and to fulfill the terms of any agreement made with the holders of such bonds or other obligations, that it will not in any way impair the rights or remedies of the holders.

Section 37. Ad valorem taxes.—The board shall have the power to levy and assess an ad valorem tax on all the taxable property in the district to pay the principal of and interest on any general obligation bonds of the district, or to provide for any sinking or other funds established in connection with any such bonds, or both. The ad valorem tax provided for herein shall not exceed 2 mills and shall be in addition to the county and all other ad valorem taxes provided for by law. Such tax shall be assessed, levied and collected in the same manner and same time as county taxes. The tax shall be a lien until paid on the property against which assessed enforceable in like manner as county tax liens.

Section 38. Annual installment taxes.—The board shall annually determine, order and levy the annual installment of the total taxes which are levied under s. 17 of this act, which shall be due and be collected during each year that county taxes are due and collected and said annual installment and levy shall be evidenced to and certified by the board not later than August 31 of each year to the Broward County property appraiser or any extended deadline as determined by the property appraiser. Said tax shall be extended by the county property appraiser on the county tax rolls and shall be collected by the Broward County tax collector in the same manner and same time as county taxes and the proceeds thereof paid to the district. The tax shall be a lien until paid on the property

against which assessed enforceable in like manner as county tax liens.

Section 39. Maintenance tax.—To maintain and preserve the drainage and other improvements of the district a maintenance tax shall be evidenced to and certified by the board of supervisors not later than August 31 of each year to the property appraiser and shall be collected by the tax collector in the same manner and time as county taxes and the proceeds therefrom paid to the district. The tax shall be a lien until paid on the property against which assessed and enforceable in like manner as county tax liens. If the maintenance is for original construction based upon an apportionment of benefits, the maintenance tax shall be apportioned on the same basis as the net assessments of benefits assessed or accruing for such original construction and shall not exceed 10 percent thereof in any one year. If the maintenance is for other drainage or other improvements owned, operated or acquired by the district, the amount of said maintenance tax shall be determined by the board based upon a report of the chief engineers; and assessed by the board upon such lands, which may be all of the lands within the district benefited by the maintenance thereof or apportioned among the benefited lands in proportion to the benefits received by each tract of land, as the board shall determine.

Section 40. Enforcement of taxes.—

(1) The collection and enforcement of all taxes levied by the district shall be at the same time and in like manner as county taxes and the provision of the Florida Statutes relating to the sale of lands for unpaid and delinquent county taxes, the issuance, sale and delivery of tax certificates for such unpaid and delinquent county taxes, the redemption thereof, the issuance to individuals of tax deeds based thereon, and all other procedures in connection therewith shall be applicable to the district to the same extent as if said statutory provisions were expressly set forth herein. All taxes shall be subject to the same discounts as county taxes.

Section 41. When unpaid tax is delinquent; penalty.—All taxes provided for in this act shall become delinquent and bear penalties on the amount of said taxes in the same manner as county taxes.

Section 42. Tax exemption.—As the exercise of the powers conferred by this act constitute the performance of essential public functions, and as the projects of the district will constitute public property used for public purposes, all assets and properties of the district, and all bonds issued hereunder and interest paid thereon, and all fees, charges, and other revenues derived by the district from the projects provided by this act shall be exempt from all taxes by the state or by any political subdivision, agency or instrumentality thereof. However, nothing in this act shall be deemed to exempt from taxation any property, project, facility or business activity or enterprise that cannot validly be undertaken as a public function by special taxing districts or other public bodies under the laws and constitution of Florida; and further, that nothing in this act shall be deemed to exempt any property, project facility or business activity or enterprise of the district, or revenues derived therefrom, which would be subject to taxation under the general laws of Florida if such property, project or facility were owned or undertaken by a municipal corporation.

Section 43. Special assessments.—

(1) AUTHORITY FOR PROVIDING IMPROVEMENTS AND LEVYING AND COLLECTING SPECIAL ASSESSMENTS AGAINST PROPERTY BENEFITED.—The board may provide for the construction, reconstruction, repair, paving, repaving, hard surfacing, rehard surfacing, widening, guttering and draining of streets; and may provide for the drainage and reclamation of wet, low, or overflowed lands; and may provide for the payment of all or any part of the costs of any such improvements by levying and collecting special assessments on the abutting, adjoining, contiguous or other specifically benefited property.

(2) METHOD OF PRORATING SPECIAL ASSESSMENTS.—Special assessments against property deemed to be benefited by local improvements, as provided for in section 44(1), shall be assessed upon the property specially benefited by the improvement in proportion to the benefits to be derived therefrom, said special benefits to be determined and prorated according to such method as the board may prescribe.

(3) RESOLUTION REQUIRED TO DECLARE SPECIAL ASSESSMENTS.—When the board may determine to make any

assessable improvement and defray the whole or any part of the expense thereof by special assessments, the board shall so declare by resolution stating the nature of the proposed improvement, designating the street or streets to be improved, the location of storm sewers and drains, or the location of the drainage project, and the part or portion of the expense thereof to be paid by special assessments, the manner in which said assessments shall be made, when said assessments are to be paid, what part, if any, shall be apportioned to be paid from the general improvement fund of the board; and said resolution shall also designate the lands upon which the special assessments shall be levied, and in describing said lands it shall be sufficient to describe them as "all lots and lands adjoining and contiguous or bounding and abutting upon such improvements or specially benefited thereby and further designated by the assessment plat hereinafter provided for." Such resolution shall also state the total estimated cost of the improvement. Such estimated cost shall include the cost of construction or reconstruction, the cost of all labor and materials, the cost of all lands, property, rights, easements, and franchises acquired, financing charges, interest prior to and during construction and for 1 year after completion of construction, discount on the sale of special assessment bonds, cost of plans and specifications, inspections, surveys of estimates of costs and of revenues, cost of engineering and legal services, printing and publishing notices and proceedings, abstracting title, and all other expenses necessary or incident to determining the feasibility or practicability of such construction or reconstruction, administrative expense, and such other expense as may be necessary or incident to the financing herein authorized.

(4) **PLANS AND SPECIFICATIONS, WITH ESTIMATED COST OF PROPOSED IMPROVEMENT REQUIRED BEFORE ADOPTION OF RESOLUTION.**—At the time of the adoption of the resolution provided for in subsection (3) there shall be on file with the secretary of the board an assessment plat showing the area to be assessed, with plans and specifications, and an estimate of the apportioned cost and benefit to each lot of the proposed improvement, which assessment plat, plans and specifications and estimate shall be open to the inspection of the public.

(5) **PUBLICATION OF RESOLUTION.**—Upon the adoption of the resolution provided for in subsection (3), the board shall cause said resolution to be published one time in a newspaper of general circulation published in the district, and shall cause said resolution to be published once a week for a period of 2 weeks in a newspaper of general circulation published in Broward County.

(6) **ASSESSMENT ROLL.**—Upon the adoption of the resolution aforesaid, the board shall cause to be made an assessment roll in accordance with the method of assessment provided for in said resolution, which assessment roll shall be completed and filed with the secretary of the board as promptly as possible; said assessment roll shall show the lots and lands assessed, the amount of the benefit to and the assessment against each lot or parcel of land, and if said assessment is to be paid in installments, the number of annual installments in which the assessment is divided shall also be entered and shown upon said assessment roll.

(7) **PUBLICATION OF ASSESSMENT ROLL.**—Upon the completion of said assessment roll, the board shall by resolution fix a time and place at which the owners of the property to be assessed, or any other persons interested therein may appear and be heard as to the propriety and advisability of making such improvements, as to the cost thereof, as to the manner of payment therefor and as to the amount thereof to be assessed against each property so improved. Ten days' notice in writing of such time and place shall be given to such property owners which shall be served by mailing a copy of such notice to each of such property owners at his last known address, the names and addresses of such property owners to be obtained from the records of the property appraiser or from such other sources as the board or engineer deems reliable with proof of such mailing to be made by the affidavit of the secretary of the district, or by the engineer, said proof to be filed with the secretary, provided, that failure to mail said notice or notices shall not invalidate any of the proceedings hereunder. Notice of the time and place of such hearing shall also be given by two publications a week apart in a newspaper of general circulation in the district, and in like manner in a newspaper of general circulation published in Broward County; provided that the last publication shall be at least 1 week prior to the date of the hearing. Said notice shall describe the streets or other areas to be improved and advise all persons interested

that the description of each property to be assessed and the amount to be assessed to each piece or parcel of property may be ascertained at the office of the secretary of the board. Such service by publication shall be verified by the affidavit of the publisher and filed with the secretary of the district.

(8) **EQUALIZING BOARD TO HEAR COMPLAINTS AND ADJUST ASSESSMENTS; OBJECTIONS; WAIVER OF OBJECTIONS; REBATE OF DIFFERENCE IN COST AND ASSESSMENT; CREATION OF LIEN.**—At the time and place named in the notice provided for in subsection (7), the board shall meet as an equalizing board to hear and consider any and all objections as to such special assessments and shall adjust and equalize the said assessments on a basis of justice and right; all objections to any such assessment roll on the grounds it contains items which cannot be properly assessed against the property, or that it is, for any default or defect in the passage or character of the assessment roll or the plans or specifications or estimate, void or voidable in whole or in part, or that it exceeds the power of the board, shall be made in writing in person or by attorney, and filed with the secretary of the board at or before the time or adjourned time of such hearing of the assessment roll. Any objections against the making of assessable improvements not so made shall be considered waived, and if any objections shall be made and overruled or shall not be sustained, the confirmation of the assessment shall be the final adjudication of the issue presented unless proper steps shall be taken in a court of competent jurisdiction to secure relief within 20 days of such confirmation; and when so equalized and approved by resolution of the board, such assessments shall stand confirmed and remain legal, valid and binding first liens, upon the property against which such assessments are made, until paid. However, upon completion of the improvement, the board shall credit to each of said assessments the difference in the assessment as originally made, approved and confirmed, and the proportionate part of the actual cost of said improvement to be paid by special assessments as finally determined upon the completion of said improvement, provided that in no event shall the final assessments exceed the amount of benefits originally assessed. Promptly after such confirmation, the assessments shall be recorded by the secretary in a special book, to be known as the "Improvement Lien Book," and the record of the lien in said book shall constitute prima facie evidence of its validity. The board may by resolution grant a discount equal to all or a part of the payee's proportionate share of the cost of the project consisting of bond financing costs, such as capitalized interest, funded reserves, and bond discount included in the estimated cost of the project, upon payment in full of any assessment during such period prior to the time such financing costs are incurred as may be specified by the board.

(9) **PRIORITY OF LIEN; INTEREST; AND METHOD OF PAYMENT.**—Said special assessments shall be payable at the time and in the manner stipulated in the resolution providing for said improvements; shall remain liens, coequal with the lien of all state, county, district, and municipal taxes, superior in dignity to all other liens, titles, and claims, until paid; shall bear interest, at a rate not to exceed 1 per cent above the rate of interest at which the improvement bonds authorized pursuant to this act and used for the improvement are sold, from the date of the acceptance of said improvement; and may, by the resolution aforesaid, be made payable in not more than 20 equal yearly installments, to which, if not paid when due, there shall be added a penalty at the rate of 1 percent per month, until paid. However said assessments may be paid without interest at any time within 30 days after the improvement is completed and a resolution accepting the same has been adopted by the board.

(10) **PAYMENT AND COLLECTION OF SPECIAL ASSESSMENT; FORECLOSURE; SERVICE OF PROCESS.**—

(a) Any assessment may be paid at the office of the secretary of the board within 30 days after the confirmation thereof, without interest. Thereafter all assessments shall be payable in equal installments, with interest as determined by the board, not to exceed the highest rate allowed by law, from the expiration of said 30 days in each of the succeeding number of years not exceeding 20, which the board shall determine by resolution. However, the board may provide that any assessment may be paid at any time before due, together with interest accrued thereon to the date of payment, if such prior payment shall be permitted by the proceedings authorizing any assessment bonds or other obligations for the payment of which such special assessments have been pledged.

(b) All such special assessments levied pursuant to this act may, in the discretion of the board, be collected by the tax collector of the county at the same time as the general county taxes are collected, and the board shall in such event certify to the county tax collector in each year a list of all such special assessments and names of the owners of and a description of the properties against which such special assessments have been levied and the amounts due thereon in such year, and interest thereon for and deficiencies for prior years. The amount to be collected in such year may include, in the discretion of the board, the principal installment of such special assessments which will become due at any time in the next succeeding fiscal year, and all or any part of the interest which will become due on such special assessments during such fiscal year, together with any deficiencies for prior years.

(c) The board may in lieu of providing for the collection of said special assessments by the tax collector of the county, provide for the collection of said special assessments by the district under such terms and conditions as the board shall determine. In such event, the bills or statements for the amounts due in any fiscal year shall be mailed to the owners of all properties affected by such special assessments at such time or times as the board shall determine and such bills or statements may include all or any part of the principal and interest which will mature and become due on the annual installments of such special assessments during the fiscal year in which installments of such special assessments are payable.

(d) All charges of the county tax collector or of the district, and the fees, costs and expenses of any paying agents, trustees or other fiduciaries for assessment bonds issued under this act, shall be deemed to be costs of operation and maintenance of any drainage or road improvements in connection with which such special assessments were levied and the board shall be authorized and directed to provide for the payment each year of such costs of collection, fees and other expenses from the maintenance tax assessment provided in this act as shall be mutually agreed upon between the board and the county tax collector as additional compensation for his services for each such assessment district in which the special assessments are collected by him.

(e) All assessments shall constitute a lien upon the property so assessed from the date of final confirmation thereof, of the same nature and to the same extent as the lien for general county taxes falling due in the same year or years in which such assessments or installments thereof fall due, and any assessments or installments thereof fall due, and any assessment or installment not paid when due shall be collectible with such interest and with a reasonable attorney's fee and costs, but without penalties, by the district by proceedings in a court of equity to foreclose the lien of assessments as a lien for mortgages is or may be foreclosed under the laws of the state provided that any such proceedings to foreclose shall embrace all installments of principal remaining unpaid with accrued interest thereon, which installments shall, by virtue of the institution of such proceedings, immediately become due and payable. In the foreclosure of any special assessment service of process against unknown, or nonresident defendants, may be had by publication, as now provided by law in other chancery suits. The foreclosure proceedings shall be prosecuted to a sale and conveyance of the property involved in said proceedings as now provided by law in suits to foreclose mortgages; or, in the alternative, said proceeding may be instituted and prosecuted under chapter 173, Florida Statutes. Nevertheless, if, prior to any sale of the property under decree of foreclosure in such proceedings, payment be made of the installment or installments which are shown to be due under the provisions of this section, and all costs, including interest and reasonable attorney's fees, such payment shall have the effect of restoring the remaining installments to their original maturities as provided by the resolution and the proceedings shall be dismissed at the cost and expense of the landowner. It shall be the duty of the board to enforce the prompt collection of assessment by the means herein provided, and such duty may be enforced by suit by any holder of bonds issued and then outstanding under this act in a court of competent jurisdiction by mandamus or other appropriate proceedings. Not later than 30 days after the annual installments are due and payable, it shall be the duty of the board to direct the attorney for the district to institute actions within 2 months after such direction to enforce the collection of all special assessments for assessable improvements made under this section and remaining due and unpaid at the time of such direction. It shall be lawful to join in one action the collection of assessments against any or all property assessed by virtue

of the same assessment roll unless the court shall expressly order such joinder prejudicial to the interest of any defendant. The court shall allow a reasonable attorney's fee for the attorney for the district and the same shall be collectible as a part of or in addition to the costs of the action. At the sale pursuant to decree in any such action, the district may be a purchaser to the same extent as an individual person or corporation, except that the part of the purchase price represented by the assessments sued upon and the costs incident thereto and interest thereon need not be paid in cash. Property so acquired by the district may be sold or otherwise disposed of.

(f) Broward County and each school district and other political subdivision wholly or partly within the district shall possess the same power and be subject to the same duties and liabilities in respect of assessments under this section affecting the real estate of such county, school district or other political subdivision which private owners of real estate possess or are subject to hereunder, and such real estate of any such county, school district and political subdivision shall be subject to liens for said assessments in all cases where the same property would be subject to such liens had it at the time the lien attached been owned by a private owner.

(11) **ADVERTISEMENT FOR BIDS.**—After the passage of the resolution authorizing the construction or reconstruction of assessable improvements has been levied hereunder by the final confirmation of the assessment roll the board shall publish at least once in a newspaper published in Broward County and of general circulation in the district, a notice calling for sealed bids to be received by the district for the construction of the work, unless in the initial resolution the board shall have declared its intention to have the work done by district forces without contract. The notice shall refer in general terms to the extent and nature of the improvements and may identify the same by the short designation indicated in the initial resolution and by reference to the plans and specifications on file. If the initial resolution shall have given two or more alternative descriptions of the assessable improvements as to its material, nature, character, and size, and if the board shall not have theretofore determined upon a definite description, the notice shall call for bids upon each of such descriptions. Bids may be requested for the work as a whole or for any part thereof separately and bids may be asked for any one or more of such assessable improvements authorized by the same or different resolutions, but any bid covering work upon more than one improvement shall be in such form as to permit a separation of cost as to each improvement. The notice shall require bidders to file with their bids either a certified check drawn upon an incorporated bank or trust company in such amount or percentage of their respective bids, as the board shall deem advisable, or a bid bond in like amount with corporate surety satisfactory to the board to insure the execution of a contract to carry out the work in accordance with such plans and specifications and insure the filing at the making of such contract, of a bond in the amount of the contract price with corporate surety satisfactory to the board conditioned upon the full performance of the work in accordance with such contract and full payment for all materials and labor expense incurred thereby. The board shall have the right to reject any or all bids, and if all bids are rejected the board may readvertise or may determine to do the work by the district forces without contract.

(12) **BONDS MAY BE ISSUED TO AN AMOUNT NOT EXCEEDING THE AMOUNT OF LIENS ASSESSED FOR THE COST OF IMPROVEMENTS TO BE PAID BY SPECIAL ASSESSMENT.**—After the equalization, approval and confirmation of the levying of the special assessments for improvements as provided by this section and as soon as a contract for said improvement has been finally let, the board may by resolution or ordinance authorize the issuance of bonds, to be designated "Improvement bonds, series No. _____" in an amount not in excess of the aggregate amount of said liens levied for such improvements. Said bonds shall be payable from a special and separate fund to be known as the "Improvement fund, series No. _____" which shall be used solely for the payment of the principal and interest of said "Improvement bonds, series No. _____" and for no other purpose. Said fund shall be deposited in a separate bank account and all the proceeds collected from the principal, interest, and penalties of said liens shall be deposited and held in said fund. Said bonds so issued shall never exceed the amount of liens assessed, and said bonds shall mature not later than 6 months after the maturity of the last installment of said liens. Said bonds shall bear certificates signed by the secretary of the board certifying that the amount of liens levied, the proceeds of which are

pledged to the payment of said bonds, are equal to the amount of the bonds issued. The bonds may be delivered to the contractor in payment for his work or may be sold at public or private sale for not less than par and accrued interest, the proceeds to be used in paying for the cost of the work. Said bonds shall not be a charge on, or payable out of, the general revenues of the district, but shall be payable solely out of said assessments, installments, interest, and penalties. Any surplus remaining after payment of all bonds and interest thereon shall revert to the district and be used for any board purpose.

Section 44. Issuance of certificates of indebtedness based on assessments for assessable improvements; assessment bonds.—

(1) The board may, after any assessments for assessable improvements are made, determined and confirmed, as provided in section 43, issue certificates of indebtedness for the amount so assessed against the abutting property or property otherwise benefited, as the case may be, and in that event separate certificates shall be issued against each part or parcel of land or property assessed, which certificates shall state the general nature of the improvement for which the said assessment is made. Said certificates shall be payable in annual installments in accordance with installments of the special assessment for which they are issued. The board may determine the interest to be borne by such certificates, not to exceed the highest rate allowed by law, and may sell such certificates at either private or public sale and determine the form, manner of execution and other details of such certificates. Such certificates shall recite that they are payable only from the special assessments levied and collected from the part or parcels of land or property against which they are issued. The proceeds of such certificates may be pledged for the payment of principal of and interest on any bonds issued to finance in whole or in part such assessed improvement, or, if not so pledged, may be used to pay the cost or part of the cost of such assessable improvements.

(2) The district may also issue assessment bonds or other obligations payable from a special fund into which such certificates of indebtedness referred to in the preceding paragraph may be deposited; or, if such certificates of indebtedness have been issued, the district may assign to such special fund for the benefit of the holders of such assessment bonds or other obligations, or to a trustee for such bondholders, the assessment liens provided for in this act unless such certificates of indebtedness or assessment liens have been theretofore pledged for any bonds or other obligations authorized hereunder. If the board creates such special fund and issues such assessment bonds or other obligations, the proceeds from such certificates of indebtedness and from assessment liens deposited therein shall be used only for the payment of the assessment bonds or other obligations issued as provided in this section. The district is hereby authorized to covenant with the holders of such assessment bonds or other obligations that it will diligently and faithfully enforce and collect all the special assessments and interest or penalties thereon for which such certificates of indebtedness and assessment liens have been deposited in or assigned to such fund and to foreclose such assessment liens so assigned to such special fund or represented by the certificates of indebtedness deposited in said special fund, after such assessment liens have become delinquent, and deposit the proceeds derived from such foreclosure, including interest and penalties, in such special fund, and to make any other covenants deemed necessary or advisable in order to properly secure the holders of such assessment bonds or other obligations.

(3) The assessment bonds or other obligations issued pursuant to this section shall have such dates of issue and maturity as shall be deemed advisable by the board, provided, however, that the maturities of such assessment bonds or other obligations shall not be more than 2 years after the due date of the last installment which will be payable on any of the special assessments for which such assessment liens, or the certificates of indebtedness representing such assessment liens, are assigned to or deposited in such special fund.

Such assessment bonds or other obligations issued under this section shall bear such interest as the board may determine, not to exceed the maximum allowed by law, shall be executed, shall have such provisions for redemption prior to maturity, shall be sold in the manner and be subject to all of the applicable provisions contained in this act for revenue bonds, except as the same may be inconsistent with the provisions of this section.

All assessment bonds or other obligations issued under the provisions of this act, except certificates of indebtedness issued against separate lots or parcels of land or property as provided in this section, shall be and constitute and have all the qualities and incidents of negotiable instruments under the law merchant and the laws of Florida.

Section 45. Foreclosure of liens.—Any lien in favor of the district arising under chapter 298, Florida Statutes, or under this act may be foreclosed by the district by foreclosure proceedings in the name of the district in the circuit court in like manner as is provided in chapter 173, Florida Statutes, and amendments thereto, and the provisions of said chapter shall be applicable to such proceedings with the same force and effect as if said provisions were expressly set forth in this act. Any act required or authorized to be done by or on behalf of a city or town in foreclosure proceedings under chapter 173, Florida Statutes, may be performed by such officer or agent of the district as the board of supervisors may designate. Such foreclosure proceedings may be brought at any time after the expiration of 1 year from the date any tax, or installment thereof, becomes delinquent.

Section 46. Payment of taxes and redemption of tax liens of the district; sharing in proceeds of tax sale under s. 197.266, Florida Statutes.—

(1) The district has the right to:

(a) Pay any delinquent state, county, district, municipal, or other tax or assessment upon land located wholly or partially within the boundaries of the district; and

(b) Redeem or purchase any tax sales certificate issued or sold on account of any state, county, district, municipality, or other taxes or assessments upon lands located wholly or partially within the boundaries of the district.

(2) Delinquent taxes paid, or tax sales certificates redeemed or purchased, by the district, together with all penalties for the default in payment of the same and all costs in collecting the same and a reasonable attorney's fee, shall constitute a lien in favor of the district of equal dignity with the liens of state and county taxes upon all the real property against which said taxes were levied. The lien of the district may be foreclosed in the manner provided in this act.

(3) In any sale of land pursuant to s. 197.266, Florida Statutes, and amendments thereto, the district may certify to the clerk of the circuit court of the county holding such sale the amount of taxes due to the district upon the lands sought to be sold, and the district shall share in the disbursement of the sales proceeds in accordance with the provisions of this act and under law.

Section 47. Mandatory use of certain district facilities and services.—The district may require all lands, buildings and premises, and all persons, firms and corporations within the district to use the reclamation, roads and drainage facilities of the district. Subject to such exceptions as may be provided by the resolutions, rules or by-laws of the board, and subject to the terms and provisions of any resolution authorizing any bonds and agreements with bondholders, no drainage, roads, or reclamation facilities shall be constructed, reconstructed, or operated within the district unless the board gives its consent thereto and approves the plans and specifications therefor.

Section 48. Bids required.—No contract shall be let by the board for the construction or maintenance of any project authorized by this act, nor shall any goods, supplies or materials be purchased when the amount thereof to be paid by said districts shall exceed \$4,000, unless notice of bids shall be advertised once a week for 2 consecutive weeks in a newspaper published in Broward County and in general circulation in the district, and in each case the bid of the lowest responsible bidder shall be accepted, unless all bids are rejected because the bids are too high. The board may require the bidders to furnish bond with responsible surety to be approved by the board. Nothing in this section shall prevent the board from undertaking and performing the construction, operation and maintenance of any project or facility authorized by this act, by the direct employment of labor, material and machinery.

Section 49. Maintenance of projects across rights-of-ways.—The district shall have the power to construct, operate and maintain its projects in, along or under any dedications to the public, platted rights-of-ways, platted reservations, easements,

streets, alleys, highways, or other public places or ways, and across any drain, ditch, canal, floodway, holding basin, excavation, grade, fill or cut, within or without the district.

Section 50. Agreements with state commissions and others.—The board shall have the power to retain and enter into agreements with fiscal agents, financial advisors, state commissions, engineers and other consultants or advisors with respect to the issuance and sale of any bonds, and the cost and expense thereof may be treated as part of the cost and expense of such project. Upon request of the board any state commission may provide such technical assistance or other services relating to bond issues as may be necessary or desirable under the circumstances.

Section 51. Agreements with other political bodies for the joint discharge of common functions.—The board and any other political bodies, whether now in existence or hereafter created, are authorized to enter into and carry into effect contracts and agreements relating to the common powers, duties, and functions of the board and any other political bodies, to the end that there may be effective cooperation and coordination in discharging their common functions, powers and duties.

Section 52. Action taken on consent of landowners.—Any action required under this act or under chapter 298, Florida Statutes, to be taken on public hearing for the purposes of receiving and passing on objections by landowners may be taken without such notice or hearing upon the written consent of all the landowners affected by such action.

Section 53. Enforcement and penalties.—The board or any aggrieved person may have recourse to such remedies in law or equity as may be necessary to ensure compliance with the provisions of this act, including injunctive relief to enjoin or restrain any person violating the provisions of this act; or the by-laws, resolutions, regulations, rules, codes and orders adopted under or pursuant to this act. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, land or water is used, in violation of this act, or of any code, order, resolution or other regulation made under authority conferred by this act or under law, the board and any citizen residing in the district may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or avoid such violation, to prevent the occupancy of such building, structure, land or water, and to prevent any illegal act, conduct, business or use in or about such premises, land, or water.

Section 54. Exemption of district property from execution.—All district property shall be exempt from levy and sale by virtue of an execution and no execution or other judicial process shall issue against such property, nor shall any judgment against the district be a charge or lien on its property or revenues, provided that nothing herein contained shall apply to or limit the rights of bondholders to pursue any remedy for the enforcement of any lien or pledge given by the district in connection with any of the bonds or obligations of the district.

Section 55. Severability.—In case any one or more of the sections or provisions of this act or the application of such sections or provisions to any situation, circumstances, or person, shall for any reason be held to be unconstitutional, such unconstitutionality shall not affect any other sections or provisions as to any other situation, circumstances or person, and it is intended that this act shall be construed and applied as if such section or provision held unconstitutional had not been included herein for any subsequent application.

Section 56. This act shall take effect upon becoming a law; provided, however, that section 37 shall not take effect unless the millage rate set forth in such section or any such lesser rate is approved by a majority vote of the qualified electors in the district voting in a referendum to be called by the district for such purpose.

Senator Stevens was recorded as voting nay.

Amendment 2—In title on pages 1 and 2, strike everything before the enacting clause and insert: A bill to be entitled An act relating to Dixie Drainage District, Broward County; creating the Plantation Acres Improvement District; abolishing the Dixie Drainage District created under the authority

of chapter 298, Florida Statutes; providing for the new district to assume the obligations of the former district; providing definitions; providing that the provisions of chapter 298, Florida Statutes, shall be applicable to the Plantation Acres Improvement District except provisions of sections: 298.07, 298.11, 298.12, 298.14, 298.17, 298.20, 298.48, 298.52, 298.54, 298.61, 298.70, 298.71, 298.72, 298.73, 298.74, Florida Statutes; providing for the management of the affairs of the district by a board of supervisors; providing for the powers and duties of the board of supervisors to carry out the purposes of the district; providing for an improvement tax and a maintenance tax, based on benefits; providing for the assessment and imposition upon the lands in the district of an ad valorem tax not to exceed 2 mills; providing for a referendum; authorizing the issuance of obligations of the district to finance the construction of the works and projects of the district; providing for alternative methods of adopting and completing a plan of road improvement or reclamation; providing for the enforcement of the provisions of the act or the rules adopted hereunder; providing an effective date.

WHEREAS, there has heretofore been established by proceedings under chapter 298, Florida Statutes, a drainage district, known as the Dixie Drainage District, encompassing a tract of land presently partially undeveloped, located in Broward County, and

WHEREAS, it is the intention of the Legislature to abolish the Dixie Drainage District, and to establish the Plantation Acres Improvement District, so as to enable that district to undertake the improvements herein provided for and to promote and create favorable conditions for the development of the land within the district, and

WHEREAS, the rapid urbanization of land in Broward County requires the application of broad concepts of land planning and utilization that is not available under the limited powers of chapter 298, Florida Statutes; that reclamation and drainage of land is integrated with the establishment of roads and highways to provide access to such lands, and

WHEREAS, the purpose of this act cannot be realized except through a special taxing district having the powers hereinafter provided; and that the operation of the district and its facilities and services and the exercise by the board of the district of the powers and authorities provided for herein are necessary for the convenience, comfort, and welfare of the district and all its inhabitants and landowners and will benefit all properties, persons, and enterprises within the district, and constitute a valid public purpose, NOW, THEREFORE,

Senator Stevens was recorded as voting nay.

On motion by Senator Scott, by two-thirds vote HB 967 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Grizzle	Lewis	Renick
Anderson	Hair	Margolis	Scott
Beard	Henderson	Maxwell	Skinner
Carlucci	Hill	McClain	Steinberg
Childers, D.	Jenne	McKnight	Stuart
Dunn	Jennings	Neal	Tobiasen
Frank	Johnston	Peterson	Trask
Gersten	Kirkpatrick	Poole	Vogt
Gordon	Langley	Rehm	Ware

Nays—1

Stevens

On motion by Senator Scott, the rules were waived and HB 967 was ordered immediately certified to the House.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Gordon, the rules were waived and by two-thirds vote CS for SB 338, SB 523, CS for SB 717, SB

894, and CS for SB 971 were withdrawn from the Committee on Appropriations.

On motions by Senator Gordon, the rules were waived and by two-thirds vote CS for SB 472 was withdrawn from Appropriations Subcommittee C and the Committee on Appropriations.

SPECIAL ORDER

By the Committee on Governmental Operations and Senator Margolis—

CS for SB 105—A bill to be entitled An act relating to the designation of a state opera program; creating s. 15.044, Florida Statutes; jointly designating the Greater Miami Opera Association and the Florida State University School of Music as the official state opera program; providing an effective date.

—was read the first time by title and SB 105 was laid on the table.

On motion by Senator Margolis, by two-thirds vote CS for SB 105 was read the second time by title.

Senators Stuart and Jennings offered the following amendments which were moved by Senator Stuart and adopted:

Amendment 1—On page 1, line 15 after the word "Association" insert: , Orlando Opera Company, Incorporated,

Amendment 2—In title on page 1, line 5 after the word "Association" insert: , Orlando Opera Company, Incorporated,

On motion by Senator Margolis, by two-thirds vote CS for SB 105 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Hair	Maxwell	Steinberg
Anderson	Henderson	McClain	Stevens
Beard	Jenkins	McKnight	Stuart
Carlucci	Jenne	Neal	Tobiassen
Childers, D.	Jennings	Peterson	Trask
Dunn	Johnston	Poole	Vogt
Frank	Kirkpatrick	Rehm	Ware
Gersten	Langley	Renick	
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	

Nays—None

On motion by Senator Henderson, the rules were waived and by two-thirds vote HB 268 was withdrawn from the Committee on Economic, Consumer and Community Affairs.

On motion by Senator Henderson—

HB 268—A bill to be entitled An act relating to condominiums; amending s. 718.112(2)(j), Florida Statutes, providing for the assessment by a condominium association of fees relating to the approval of certain transactions; requiring the Division of Florida Land Sales and condominiums to establish procedures to provide notice to an association under certain conditions; providing an effective date.

—a companion measure, was substituted for SB 206 and read the second time by title.

Senator Johnston presiding

Senators Poole, Margolis and Steinberg offered the following amendment which was moved by Senator Poole and failed:

Amendment 1—On page 2, between lines 7 and 8 insert:

Section 2. Subsection (1) of section 718.120, Florida Statutes, is amended to read:

718.120 ~~Separate~~ Taxation of condominium parcels; survival of declaration after tax sale.—

(1) Ad valorem taxes and special assessments by taxing authorities shall be assessed against the condominium parcels and not upon the condominium property as a whole. *In determining the just value of condominium parcels, the property appraiser shall determine the assessed value of the condominium property as a whole and shall determine the assessed value of each condominium parcel of the condominium property separately. The just value of each condominium parcel shall be the assessed value of such parcel multiplied by the assessed value of the condominium property as a whole, divided by the sum of the assessed values of all condominium parcels comprising the condominium property. Each condominium parcel shall be separately assessed for ad valorem taxes and special assessments as a single parcel.* The taxes and special assessments levied against each condominium parcel shall constitute a lien only upon the condominium parcel assessed and upon no other portion of the condominium property.

(Renumber subsequent section.)

On motion by Senator Henderson, by two-thirds vote HB 268 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Anderson	Henderson	Margolis	Scott
Beard	Hill	Maxwell	Skinner
Carlucci	Jenkins	McClain	Steinberg
Childers, D.	Jenne	McKnight	Stevens
Dunn	Jennings	Neal	Stuart
Frank	Johnston	Peterson	Tobiassen
Gersten	Kirkpatrick	Poole	Trask
Gordon	Langley	Rehm	Vogt
Grizzle	Lewis	Renick	Ware

Nays—None

Vote after roll call:

Yea—W. D. Childers, Hair

SB 206 was laid on the table.

SB 213—A bill to be entitled An act relating to cooperatives; amending s. 719.106(1)(b), Florida Statutes; eliminating the maximum number of proxies that one person may hold; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote SB 213 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Anderson	Hair	Lewis	Scott
Beard	Henderson	Margolis	Skinner
Carlucci	Hill	Maxwell	Steinberg
Childers, D.	Jenkins	McClain	Stevens
Dunn	Jenne	McKnight	Stuart
Frank	Jennings	Neal	Tobiassen
Gersten	Johnston	Peterson	Trask
Gordon	Kirkpatrick	Poole	Vogt
Grizzle	Langley	Renick	Ware

Nays—None

Vote after roll call:

Yea—W. D. Childers

By the Committee on Economic, Community and Consumer Affairs and Senator Henderson—

CS for SB 165—A bill to be entitled An act relating to building construction standards; adding subsection (3) to s. 553.77, Florida Statutes, and creating s. 553.781, Florida Statutes; providing for establishment of a certification program for building inspection personnel in Florida; providing for examinations; providing for fees; creating a trust fund and providing for deposit of fees therein; providing a penalty; providing for

repeal and review in accordance with the Sundown Act; providing an effective date.

—was read the first time by title and SB 165 was laid on the table.

On motion by Senator Henderson, by two-thirds vote CS for SB 165 was read the second time by title.

Senator Henderson moved the following amendments which were adopted:

Amendment 1—On page 3, line 29, strike “July 1, 1985” and insert: January 1, 1984

Amendment 2—On page 4, between lines 12 and 13, insert:

Section 3. This act shall not apply to counties with populations of 45,000 and under.

(Renumber subsequent sections.)

Amendment 3—On page 2, line 5, strike “July” and insert: January

Senator McClain moved the following amendment which was adopted:

Amendment 4—On page 4, line 12, insert a new Section 4:

Section 4. Part VIII of Chapter 553, Florida Statutes, is created to read:

PART VIII SWIMMING POOL CONSTRUCTION STANDARDS AND CONTRACTS

553.913 Short title.—This part shall be known and may be cited as the “Florida Swimming Pool Construction Standards and Contracts Code”.

553.914 Swimming pools; escrow requirement; exceptions; penalty

(1) DEFINITIONS.—

(a) “Swimming pool contractor” means any person who is in privity with the owner of real property and enters into a direct contract with the owner to construct a swimming pool on the real property of the owner.

(b) “Completion” means final construction of the swimming pool according to the terms and conditions of the contract; provided, any required final inspection approval has been issued by the appropriate local government.

(c) “Escrow” or “To place in escrow” means to deliver or deposit with a third party, the escrow holder, money or documents to be held and disbursed by such escrow holder consistent with the provisions of this section.

553.915 Notice to buyer of right to have deposit placed in escrow account.—In all offers to purchase, sales agreements, or written contracts made between a swimming pool contractor and a prospective buyer, the swimming pool contractor shall notify the prospective buyer that any deposit, not to exceed 50 percent of the purchase price, made by the buyer to the swimming pool contractor shall, unless waived in writing by the buyer, be deposited in an escrow account with a savings and loan association, bank, or trust company, or any attorney who is a member of The Florida Bar. Any such offer, agreement, or contract used by the swimming pool contractor shall contain the following legend in conspicuous type: **THE BUYER OF A SWIMMING POOL HAS THE RIGHT TO HAVE ALL DEPOSIT FUNDS (NOT TO EXCEED 50 PERCENT OF THE PURCHASE PRICE) DEPOSITED IN AN ESCROW ACCOUNT. THIS RIGHT MAY BE WAIVED, IN WRITING, BY THE BUYER.**

553.916 Escrow accounts; interest rates; withdrawals.—If the buyer does not waive his right to have deposits placed in an escrow account, the swimming pool contractor shall place the funds, not to exceed 50 percent of the purchase price, in an escrow account bearing interest at no less than the passbook rate of interest. The account shall be in the name of the swimming pool contractor and the purchaser and shall be clearly denoted on the records of the escrow holder as an escrow ac-

count. All withdrawals from the account shall require the signatures of both the swimming pool contractor and the buyer or his agent, except as provided herein.

553.917 Right to interest; use of escrowed funds; surety bond.—When money has been placed in an interest-bearing escrow account pursuant to this part, the swimming pool contractor shall be entitled to all interest accrued by the account, payable at closing. When the swimming pool contractor desires to use escrowed funds for building purposes, after notification to the buyer, the swimming pool contractor shall acquire a surety bond issued by a company licensed to do business in this state, if such a bond is readily available in the open market, payable to the buyer in the amount of the escrow deposit; and the funds in the escrow deposit shall thereafter be released to the swimming pool contractor for construction purposes only.

553.918 Master surety bond.—In lieu of and as an alternative to the requirements of section 553.917, a blanket or master surety bond issued by a company licensed to do business in this state may be acquired by the swimming pool contractor, in an amount equal to or greater than the total amount of escrow deposits received by the swimming pool contractor pursuant to this part.

553.919 Accountability of escrow holder for use of escrowed funds.—No escrow holder referred to in this part shall be chargeable with the use to which a swimming pool contractor puts escrowed funds.

553.920 Release of deposit moneys.—Funds in an interest-bearing escrow account shall be released without the signature of both the swimming pool contractor and the buyer only under the following conditions:

(1) Pursuant to section 553.917.

(2) Pursuant to section 553.918.

(3) If the buyer properly terminates the contract pursuant to its terms, the funds, including accrued interest, shall be paid to the buyer.

(4) If the buyer defaults in the performance of his obligations under the contract of purchase and sale, the funds shall be paid to the swimming pool contractor together with any interest earned, in the following manner: The swimming pool contractor may, upon default of the buyer to comply with the terms and conditions of the written contract between the parties, and if the swimming pool contractor is not in default, withdraw any funds being held in escrow pursuant to said written agreement. In order to make such withdrawal, the swimming pool contractor shall send written notice by certified mail to the buyer of his intention to make said withdrawals at least 72 hours prior to the intended time of withdrawal. After the 72-hour period, the swimming pool contractor, upon presentation to the escrow holder of a withdrawal slip and the passbook, if any, together with an affidavit certifying that the buyer is in default and that the swimming pool contractor is not in default, may withdraw the escrowed funds. The escrow holder, upon receipt of these items, shall release the funds to the swimming pool contractor. The escrow holder shall not be liable for the release of the funds pursuant to this subsection.

(5) If the funds of the buyer have not been previously disbursed in accordance with this subsection, they shall be disbursed to the swimming pool contractor at the completion of the contract.

553.921 No right of lien, subrogation, or claim.—An escrow deposit or surety bond purchased pursuant to this section shall not be subject to a mechanic's lien or lien of any lending institution, except if contracted for by the buyer, or subrogation in the case of default. After completion, the buyer shall have no right to place a claim on any escrowed funds for breach of contract.

553.922 Penalties.—Any person who removes any escrowed funds from an account in violation of the provisions of this part and without the signature of the swimming pool contractor and the buyer, except as provided in this section, is guilty of a felony of the third degree, punishable in s. 775.082, s. 775.083, or s. 775.084.

553.923 Civil actions.—In the event of any civil litigation arising under this section, the prevailing party shall be entitled to attorney's fees and costs. Escrow account interest shall continue to accrue to the benefit of the swimming pool con-

tractor on said escrow account during the pendency of any such litigation, except in the event of a ruling adverse to the swimming pool contractor.

553.924 State standards.—The provisions of this part constitute maximum statewide standards.

553.925 Exemptions.—This part shall not apply to those deposits made by a general contractor, building contractor, or residential contractor licensed under chapter 489.

(Renumber subsequent sections).

Senator Henderson moved the following amendment which was adopted:

Amendment 5—In title on page 1, line 10, after “penalty,” insert: providing exemptions for certain counties;

Senator McClain moved the following amendment which was adopted:

Amendment 6—In title on page 1, line 10, after “therein”; insert: creating Part VIII of Chapter 553, Florida Statutes, relating to swimming pool construction standards and contracts; providing definitions; providing for escrow accounts and notice to buyers; providing for right to interests; providing for surety bonds; providing for the release of deposit moneys and accountability; providing penalties; providing exemptions; providing civil actions; providing state standards;

On motion by Senator Henderson, by two-thirds vote CS for SB 165 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Anderson	Hair	Lewis	Renick
Beard	Henderson	Margolis	Scott
Carlucci	Hill	Maxwell	Skinner
Childers, D.	Jenkins	McClain	Steinberg
Dunn	Jenne	McKnight	Stevens
Frank	Jennings	Neal	Tobiassen
Gersten	Johnston	Peterson	Trask
Gordon	Kirkpatrick	Poole	Vogt
Grizzle	Langley	Rehm	Ware

Nays—None

Vote after roll call:

Yea—W. D. Childers, Stuart

On motion by Senator Renick—

HB 146—A bill to be entitled An act relating to abandoned property; amending s. 705.16(3) and (4), Florida Statutes, and adding new subsection (5) thereto; specifying time within which an abandoned boat must be removed; providing that the owner of an abandoned motor vehicle or boat is liable to the local government for costs of removal and destruction; providing for notice; providing that such person shall not be entitled to register another vehicle or boat, as applicable, until such costs are paid; providing an effective date.

—a companion measure was substituted for SB 412 and read the second time by title.

The Committee on Economic, Community and Consumer Affairs recommended the following amendments which were moved by Senator Renick and adopted:

Amendment 1—On page 4, line 5, after the word “days” insert: , provided that if the property is a boat 30 days,

Amendment 2—On page 4, lines 25-31, and on page 5, lines 1-11, strike all of said lines and insert: subsection. In the case of an abandoned boat, any person who neglects or refuses to pay such amount shall not be entitled to be issued a certificate of registration for any other boat, until such costs have been paid. The local government enforcement officer shall supply the Department of Natural Resources with a list of persons whose boat registration privileges have been revoked under this subsection, and neither the department nor the tax collector or

other person acting as agent thereof shall issue a certificate of registration to a person whose boat registration privilege has been revoked, as provided by this subsection, until such costs have been paid. In the case of an abandoned motor vehicle, any person who neglects or refuses to pay such amount shall be subject to a fine of \$100.

Amendment 3—In title on page 1, strike lines 11 and 12 and insert: register another boat or shall be subject to fine, as applicable, if such costs are not paid;

On motion by Senator Renick, by two-thirds vote HB 146 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Anderson	Hair	Lewis	Renick
Beard	Henderson	Margolis	Skinner
Carlucci	Hill	Maxwell	Steinberg
Childers, D.	Jenkins	McClain	Stevens
Dunn	Jenne	McKnight	Stuart
Frank	Jennings	Neal	Tobiassen
Gersten	Johnston	Peterson	Trask
Gordon	Kirkpatrick	Poole	Vogt
Grizzle	Langley	Rehm	Ware

Nays—None

Vote after roll call:

Yea—W. D. Childers

SB 412 was laid on the table.

SB 629—A bill to be entitled An act relating to tangible personal property taxation; amending s. 192.032(2), Florida Statutes, and adding subsection (7); providing that marine cargo containers used in foreign or interstate commerce shall not be deemed to have acquired taxable situs in the state under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendments which were moved by Senator Steinberg and adopted:

Amendment 1—On page 2, lines 5 and 6, strike “or to marine cargo containers as described in subsection (7)”

Amendment 2—On page 2, strike lines 7-11 and insert: (7)(a) Notwithstanding the provisions of subsection (7), personal property used as marine cargo containers in the conduct of foreign or interstate commerce shall not be deemed to have acquired a taxable situs within a county when the property is temporarily halted or stored within the state for a period not exceeding 180 days.

Amendment 3—In title on page 1, strike lines 3 and 4 and insert: taxation; amending s. 192.032, Florida Statutes; adding subsection (7); providing

Senator Thomas moved the following amendments which were adopted:

Amendment 4—On page 2, line 26, strike the language “This act shall take effect January 1, 1983” and insert the following:

Section 2. Section 195.096, Florida Statutes, is amended by adding subsection (11) to read:

(11) Tangible personal property assessment rolls are expressly excluded from the in-depth review requirements of this section.

Section 3. Section 1 of this act shall take effect January 1, 1983. Section 2 of this act shall take effect upon becoming law and shall apply to the tangible personal property assessment rolls for the year 1982 and each year thereafter.

Amendment 5—In title on page 1, lines 7-8, strike the words “providing an effective date” and insert the following: ;

amending s. 195.096, Florida Statutes, by adding subsection (11) expressly excepting tangible personal property assessment rolls from the in-depth review requirements of said section; providing an effective date.

On motion by Senator Steinberg, by two-thirds vote SB 629 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Anderson	Hair	Margolis	Steinberg
Barron	Henderson	Maxwell	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenkins	Neal	Thomas
Childers, D.	Jenne	Peterson	Tobiassen
Dunn	Jennings	Poole	Trask
Frank	Johnston	Rehm	Vogt
Gersten	Kirkpatrick	Renick	Ware
Gordon	Langley	Scott	
Grizzle	Lewis	Skinner	

Nays—None

Vote after roll call:

Yea—W. D. Childers

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 2; has amended Senate Amendment 1, concurred in the same as amended and passed CS for HB 34 as amended and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Criminal Justice and Representative Hollingsworth and others—

CS for HB 34—A bill to be entitled An act relating to firearms and other weapons; amending s. 790.25(2) and (3), Florida Statutes, deleting an exclusion relating to concealed weapons from the law dealing with the lawful ownership, possession, and use of firearms and other weapons; exempting certain persons, from the prohibition against carrying weapons in public and private conveyances under specified circumstances; providing legislative intent; providing an effective date.

House Amendment 1 to Senate Amendment 1—On page 2, line 7 after the period insert: Nothing herein contained shall be construed to authorize the carrying of a concealed firearm or other weapon on the person.

On motion by Senator Langley, the Senate concurred in the House amendment.

CS for HB 34 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Hair	Maxwell	Steinberg
Anderson	Henderson	McClain	Stevens
Barron	Hill	McKnight	Stuart
Beard	Jenkins	Neal	Thomas
Carlucci	Jenne	Peterson	Tobiassen
Childers, D.	Jennings	Poole	Trask
Dunn	Kirkpatrick	Rehm	Vogt
Frank	Langley	Renick	Ware
Gersten	Lewis	Scott	
Grizzle	Margolis	Skinner	

Nays—2

Gordon Johnston

SPECIAL ORDER, continued

On motions by Senator Vogt, by two-thirds vote HB 188 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Commerce.

On motion by Senator Stuart, by unanimous consent—

HB 188—A bill to be entitled An act relating to equal accommodations for physically disabled persons; amending s. 413.08 (1)(a), (2), and (4), Florida Statutes, and adding a subsection; including otherwise physically disabled persons within a list of certain disabled persons who are entitled to full and equal accommodations at all public places; providing that no physical modifications to structures, vehicles, or facilities be required; providing a definition; providing an effective date.

—was taken up out of order. On motions by Senator Stuart, by two-thirds vote HB 188 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—38

Anderson	Hair	Margolis	Steinberg
Barron	Henderson	Maxwell	Stevens
Beard	Hill	McClain	Stuart
Carlucci	Jenkins	McKnight	Thomas
Childers, D.	Jenne	Neal	Tobiassen
Dunn	Jennings	Peterson	Trask
Frank	Johnston	Poole	Vogt
Gersten	Kirkpatrick	Rehm	Ware
Gordon	Langley	Renick	
Grizzle	Lewis	Skinner	

Nays—None

Vote after roll call:

Yea—W. D. Childers

CS for SB's 767 and 592 by the Committee on Finance, Taxation and Claims and Senators Vogt, Dunn and Carlucci was read the first time by title and SB 767 and SB 592 were laid on the table.

On motions by Senator Vogt, by two-thirds vote CS for HB 387 was withdrawn from the Committees on Economic, Community and Consumer Affairs; Governmental Operations; and Finance, Taxation and Claims.

On motion by Senator Hill—

CS for HB 387—A bill to be entitled An act relating to community and economic revitalization; creating chapter 162, Florida Statutes; creating the Florida Enterprise Zone Act of 1982; providing legislative findings; providing policy and purpose; providing definitions; providing for designation of enterprise zones by local governing bodies; providing for application and approval of enterprise zones by the Department of Veteran and Community Affairs; providing a listing of state and local programs and incentives available in enterprise zones; providing duties of department with respect to federal enterprise zone programs; providing for the assistance of specified departments in implementation of the chapter and programs; providing status of designated slum or blighted areas under the chapter; providing for review and repeal; amending s. 220.02(7) and (8)(a), Florida Statutes, and adding subsection (9) thereto; amending s. 220.03(1)(c), (i), (m), (n), (p) and (s), Florida Statutes, and adding paragraphs (w), (x), (y), (z) and (aa) thereto; amending s. 220.181(1)(a) and (b), (2), (3), (6), and (7), Florida Statutes, and adding paragraph (1)(d) thereto; amending s. 220.182(1)(b), (9), (10), (11), (12) and (13), Florida Statutes; renumbering and amending s. 220.183(1)(c), (2), (5)(a), (b) and (d) and (8), Florida Statutes, and adding paragraph (3)(e) thereto and repealing subsection (3) thereof; amending ss. 159.26, 159.27(5) and (19), and 196.012(14), Florida Statutes; adding subsections (6) and (7) to s. 288.604, Florida Statutes; amending s. 288.606(1)(a), (b) and (d) and (3), Florida Statutes, and adding paragraph (2)(e); amending ss. 288.607(2)(a) and (5)(a), and 288.608(1)(b), (5)(a), and (6), Florida Statutes; providing that the economic revitalization jobs creation incentive credit, the economic revitalization tax incentive credit, the community contribution tax credit, the

Florida Industrial Development Financing Act, and the economic development ad valorem tax exemption shall apply with respect to enterprise zones rather than slum or blighted areas; revising requirements with respect to employees of businesses to which the economic revitalization tax incentive credit applies and revising the definition of "new business"; specifying the effect of the expiration of provisions granting said credit; revising requirements with respect to employees and providing for replacement employees under the economic revitalization jobs creation incentive credit; authorizing carryover of unused economic revitalization jobs creation incentive credit; authorizing use of unused carry forward credits after expiration of economic revitalization jobs creation credit; authorizing such carryover for the community contribution tax credit; authorizing use of unused carry forward credits after expiration of the community contributions tax credit; transferring certain definitions relating to such credit and providing expiration dates; revising the definition of "project" for purposes of such credit; defining "service area" and "target area" under the Community Development Corporation Support and Assistance Program and providing application with respect to membership, proposed requirements and evaluation, and authorized loan uses; providing that a target area may be an enterprise zone; providing that loans under said program be repaid within 15 years; providing for order of application of credits against the corporate income or franchise tax; providing an effective date.

—a companion measure, was substituted for CS for SB's 767 and 592 and by two-thirds vote read the second time by title. On motion by Senator Vogt, by two-thirds vote CS for HB 387 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Anderson	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenkins	Neal	Thomas
Childers, D.	Jenne	Peterson	Tobiasen
Dunn	Jennings	Poole	Trask
Frank	Johnston	Rehm	Vogt
Gersten	Langley	Renick	Ware
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	
Hair	Maxwell	Steinberg	

Nays—None

Vote after roll call:

Yea—W. D. Childers

CS for SB's 767 and 592 was laid on the table.

On motion by Senator Gordon, the rules were waived and by two-thirds vote SB 410 was withdrawn from the Committee on Appropriations.

On motion by Senator Dunn, the rules were waived and time of adjournment was extended until 12:15 p.m.

HB 43—A bill to be entitled An act relating to corporations not for profit; repealing part II of chapter 617, Florida Statutes, relating to scholarship plans; providing an effective date.

—was read the second time by title.

Senator Ware moved the following amendments which were adopted:

Amendment 1—On page 1, between lines 17 and 18, insert:

Section 2. Section 617.001, Florida Statutes, is created to read:

617.001 Short title.—Part I of this chapter may be cited as the "Florida Not For Profit Corporation Act."

Section 3. Section 617.002, Florida Statutes, is created to read:

617.002 Applicability of General Corporation Act.—The provisions of chapter 607, the Florida General Corporation Act, shall apply to all corporations not for profit, except to the extent that any provision of chapter 607 conflicts with any provision of this part.

Section 4. Section 617.003, Florida Statutes, is created to read:

617.003 Corporate name.—The corporate name shall comply with the provisions of s. 607.024, except that:

(1) The corporate name:

(a) Shall not contain the word "company."

(b) May contain the word "cooperative" or "co-op" only if the resulting name is not deceptively similar to the name of any corporation, agricultural cooperative marketing association, or nonprofit cooperative association existing or doing business in this state under the provisions of chapter 607, chapter 618, or chapter 619.

(2) Any corporation eligible to reincorporate under the provisions of s. 617.012 may do so and retain its corporate name.

Section 5. Section 617.013, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 617.013, F.S., for present text.)

617.013 Incorporators; articles of incorporation; execution; content; delivery and filing.—

(1) One or more persons or a domestic or foreign corporation, partnership, limited partnership, or association may act as incorporator or incorporators of a corporation under this part by signing and delivering, or causing to be delivered, articles of incorporation for such corporation to the Department of State.

(2) The articles of incorporation shall be executed by the incorporator or incorporators and acknowledged by one of the incorporators signing such articles, and shall set forth:

(a) The name of the corporation.

(b) The duration of the corporation, if other than perpetual, and the date and time of the commencement of the corporate existence if other than the time of the filing of the articles of incorporation by the Department of State.

(c) The purpose or purposes for which the corporation is organized.

(d) The qualifications for members and the manner of their admission, which may be stated to be as regulated by the bylaws.

(e) The street address of its initial registered office and the name of its initial registered agent at such address.

(f) The number of directors constituting the initial board of directors, managers, or trustees, which shall not be less than three, and the name and address of each person who is to serve as an initial director, manager, or trustee. Whether they are called directors, managers, or trustees, the board members shall have the rights and duties of directors under chapter 607.

(g) The name and address of each incorporator.

(3) The articles of incorporation may, as a matter of election, also set forth:

(a) The names of any persons, or the designation of any group of persons, who are to be the initial members.

(b) Any provision, not inconsistent with law, which the incorporator or incorporators may elect to set forth in the articles of incorporation for the conduct of the affairs of the corporation or any provision creating, defining, limiting, and regulating the powers of the corporation, the directors, managers, or trustees, and the members, including, but not limited to, any provision establishing classes of membership, any provision limiting voting rights to one or more of such classes, any provision for cumulative voting for directors, managers, or trustees, and any provision which under this part is required or permitted to be set forth in the bylaws. Any such provision set forth in the articles of incorporation need not be set forth in the bylaws.

(4) It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in this chapter or in chapter 607.

(5) The articles of incorporation shall be delivered to the Department of State. If the Department of State finds that the articles of incorporation conform to law, it shall, when all fees have been paid as prescribed in this part, file the articles of incorporation in accordance with s. 607.384.

Section 6. Section 617.014, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 617.014, F.S., for present text.)

617.014 Commencement of corporate existence.—The date when corporate existence shall commence shall be upon the filing of the articles of incorporation by the Department of State, except that the date of commencement of corporate existence may be specified in the articles of incorporation:

(1) When the date specified in the articles of incorporation is the date of subscription and acknowledgment and the articles of incorporation are filed by the Department of State within 5 days, exclusive of legal holidays, after such date.

(2) When the date specified in the articles of incorporation is subsequent to, and not later than 90 days after, the date of filing the articles of incorporation by the Department of State.

Section 7. Section 617.016, Florida Statutes, is created to read:

617.016 Right to amend the articles of incorporation.—

(1) A corporation may amend its articles of incorporation from time to time in any and as many respects as may be desired, if such amendment contains only such provision as might be lawfully contained in the original articles of incorporation filed at the time of making such amendment.

(2) In particular, and without limitation upon such general power of amendment, a corporation may amend its articles of incorporation from time to time so as:

- (a) To change its corporate name.
- (b) To change its period of duration.
- (c) To change, enlarge, or diminish its corporate purposes.
- (d) To change classes of membership, voting rights as to one or more of such classes, or cumulative voting.

Section 8. Section 617.017, Florida Statutes, is created to read:

617.017 Procedure to amend articles of incorporation.—

(1) Any corporation which has reincorporated under this chapter may amend its articles of incorporation as provided in its articles of incorporation. Any corporation formed before October 1, 1982, which has not reincorporated under this chapter may amend its articles of incorporation by resolution as provided in its bylaws. Amendments to the articles of incorporation of all other corporations shall be made in the following manner:

(a) The board of directors, managers, or trustees shall adopt a resolution setting forth the proposed amendment and, if members have been admitted, directing that it be submitted to a vote at a meeting of members, which may be either the annual or a special meeting. If no members have been admitted, the amendment shall be adopted by a vote of the majority of directors, managers, or trustees and the provisions for adoption by members shall not apply.

(b) Written notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each member of record entitled to vote thereon within the time and in the manner provided in this chapter for the giving of notice of meetings of members. If the meeting is an annual meeting, the proposed amendment or such summary may be included in the notice of such annual meeting.

(c) At such meeting, a vote of the members entitled to vote thereon shall be taken on the proposed amendment. The proposed amendment shall be adopted upon receiving the affirmative vote of a majority of the votes of members entitled to vote thereon, unless any class of members is entitled to vote thereon as a class in which event the proposed amendment shall be

adopted upon receiving both the affirmative vote of a majority of the votes of members of each class entitled to vote thereon as a class and the affirmative vote of a majority of the votes of all members entitled to vote thereon.

(2) Any number of amendments may be submitted to the members and voted upon by them at one meeting.

(3) If all of the directors, managers, and trustees and all of the members eligible to vote sign a written statement manifesting their intention that an amendment to the articles of incorporation be adopted, then the amendment shall thereby be adopted as though subsection (1) had been satisfied.

(4) Unless otherwise provided in the articles of incorporation, the members may amend the articles of incorporation, without an act of the directors, managers, or trustees, at a meeting for which notice of the changes to be made is given.

Section 9. Section 617.018, Florida Statutes, is created to read:

617.018 Articles of amendment; execution; content; delivery and filing.—

(1) The articles of amendment shall be executed by the corporation by its president or a vice president and by its secretary or an assistant secretary and acknowledged by one of the officers signing such articles, and shall set forth:

- (a) The name of the corporation.
- (b) The amendments so adopted.

(c) The date of the adoption of the amendment by the members or by the board of directors, managers, or trustees when no members have been admitted.

(2) The articles of amendment shall be delivered to the Department of State. If the Department of State finds that the articles of amendment conform to law, it shall, when all fees and taxes have been paid as prescribed in this part, file the articles of amendment in accordance with s. 607.384.

(3) The Department of State shall not approve or file any amendment to the charter of a corporation which may reincorporate under s. 617.012 but which has not reincorporated thereunder, unless such corporation has previously filed with the Department of State a copy of its charter and all amendments thereto, certified by the clerk of the circuit court of the county wherein recorded, as to charters and amendments granted by circuit judges, and by the Department of State, as to legislative charters, together with an affidavit executed by its president stating that such documents constitute copies of the charter of the corporation and all amendments thereto. Such certified copies and affidavit shall be delivered to the Department of State, which shall, if it finds that the documents conform to law, file such documents in accordance with s. 607.384, when all fees and taxes have been paid as prescribed in this part.

Section 10. Section 617.019, Florida Statutes, is created to read:

617.019 Effect of amendment.—

(1) Upon the filing of the articles of amendment by the Department of State, the amendment shall become effective and the articles of incorporation shall be deemed to be amended accordingly.

(2) Notwithstanding subsection (1), the date an amendment to the articles of incorporation shall become effective may be specified in the articles of amendment; however, in no event shall the effective date be prior to, or more than 90 days after, the filing of the articles of amendment by the Department of State.

(3) No amendment shall affect any existing cause of action in favor of or against such corporation, any pending suit to which such corporation shall be a party, or the existing rights of persons other than members. In the event the corporation name shall be changed by amendment, no suit brought by or against such corporation under its former name shall abate for that reason.

Section 11. Section 617.0201, Florida Statutes, is created to read:

617.0201 Restated articles of incorporation.—

(1) A corporation may at any time integrate into a single instrument all of the provisions of its articles of incorporation which are then in effect and operative as a result of there having theretofore been filed by the Department of State articles of incorporation and any amendment thereto.

(2) Restated articles of incorporation may be adopted by the board of directors, managers, or trustees without a vote of the members. Restated articles of incorporation shall be specifically designated as such and shall state, either in the heading or in an introductory paragraph, the corporation's present name and, if it has been changed, the name under which it was originally incorporated and the date of filing of its original articles of incorporation by the Department of State. Restated articles of incorporation shall also state that they were duly adopted by the directors, managers, or trustees, that the restated articles of incorporation only restate and integrate and do not further amend the provisions of the corporation's articles of incorporation as theretofore amended, or that any amendments included therein have been adopted pursuant to subsection (4) and that there is no discrepancy between the corporation's articles of incorporation as theretofore amended and the provisions of the restated articles of incorporation other than the inclusion of amendments adopted pursuant to subsection (4) and the omission of matters of historical interest.

(3) Restated articles of incorporation shall be executed, acknowledged, and filed in accordance with the provisions relating to the filing of amendments to articles of incorporation. Upon the filing of restated articles of incorporation by the Department of State, the corporation's original articles of incorporation, as theretofore amended, shall be superseded, and thenceforth the restated articles of incorporation shall be the articles of incorporation of the corporation.

(4) Amendments may be simultaneously with restating the articles of incorporation if the requirements of this chapter with respect to amendments are complied with and the provisions being amended are identified. In such event, the amended and restated articles of incorporation shall be specifically designated as such.

Section 12. Section 617.023, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 617.023, F.S., for present text.)

617.023 Registered office and registered agent.—The provisions of ss. 607.034 and 607.037 shall apply to corporations not for profit.

Section 13. Section 617.026, Florida Statutes, is created to read:

617.026 Board of directors, managers, or trustees.—All corporate powers shall be exercised by or under the authority of, and the affairs of a corporation shall be managed under the direction of, a board of directors, managers, or trustees, except as may be otherwise provided in this part, in chapter 607, or in the articles of incorporation. Each director, manager, or trustee of such board shall have the rights and duties of a director under the provisions of chapter 607, to the extent that such rights and duties are consistent with the provisions of this part; provided however, that the board shall consist of at least three persons. All references in chapter 607 to "shareholders" in providing for the rights and duties of directors shall mean "members" when such provisions apply to a corporation not for profit. If the articles of incorporation provide that the directors, managers, or trustees are elected otherwise than by the members, such provision shall control over chapter 607.

Section 14. Section 617.028, Florida Statutes, is created to read:

617.028. Indemnification of officers, directors, managers, trustees, employees, and agents.—The provisions of s. 607.014 shall apply to corporations not for profit. Any reference to "directors" in that section shall include the directors, managers, or trustees of a corporation not for profit.

Section 15. Section 617.03, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 617.03, F.S., for present text.)

617.03 Effect of certificate of incorporation.—The certificate of incorporation issued by the Department of State, and the original recorded charter or certified copy of the charter of a corporation which may be but has not been reincorporated under s. 617.012, shall be conclusive evidence that all conditions precedent required to be performed by the incorporators have been complied with and that the corporation has been incorporated under this part, except as against this state in a proceeding to cancel or revoke the certificate of incorporation or for involuntary dissolution of the corporation.

Section 16. Section 617.041, Florida Statutes, is created to read:

617.041 Members.—

(1) The provisions of chapter 607 relating to meetings and activities of shareholders shall apply to meetings and activities of members of corporations not for profit to the extent that such provisions are consistent with the provisions of this part. Applicable sections include, but are not limited to: ss. 607.084, 607.094, 607.101, 607.391, and 607.394.

(2) The corporation shall keep a membership book containing the name and address of each member. The corporation shall also keep books and records in accordance with the provisions of s. 607.157 that are consistent with this part.

(3) The corporation may issue certificates of membership.

(4) Membership in the corporation may be terminated in the manner provided by law, by the articles of incorporation, or by the bylaws, and a termination of membership shall be recorded in the membership book. Unless otherwise provided in the articles of incorporation or bylaws, all the rights and privileges of a member shall cease on termination of membership.

Section 17. Sections 617.02 and 617.025, Florida Statutes, are hereby repealed.

(Renumber subsequent sections.)

Amendment 2—In title on page 1, strike line 5, and insert: amending ss. 617.013, 617.014, 617.023, 617.03, Florida Statutes; creating ss. 617.001-617.003, 617.016-617.019, 617.0201, 617.026, 617.028, 617.041, Florida Statutes; providing a short title; providing for applicability of the Florida General Corporation Act; providing for the corporate name, incorporators, articles of incorporation and their amendment, and the commencement of corporate existence; providing procedures for amending articles of incorporation and filing articles of amendment with the Department of State; prohibiting any effect of amendments on existing causes of action; providing for restated articles of incorporation, for an office and resident agent, for qualifications and indemnification of the board of directors, managers, or trustees; providing that the certificate of incorporation is conclusive evidence of incorporation, with exceptions; providing guidelines for shareholders' meetings and activities; requiring certain records; authorizing certificates of membership; providing for termination of membership; repealing ss. 617.02, 617.025, Florida Statutes, relating respectively to amending the charter or the articles of incorporation and to the qualifications of directors; providing an effective date.

On motion by Senator Hair, by two-thirds vote HB 43 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Barron	Hair	Lewis	Scott
Beard	Henderson	Margolis	Stevens
Carlucci	Hill	Maxwell	Stuart
Childers, D.	Jenkins	McClain	Thomas
Dunn	Jenne	Neal	Tobiassen
Frank	Jennings	Peterson	Trask
Gersten	Johnston	Poole	Vogt
Gordon	Kirkpatrick	Rehm	Ware
Grizzle	Langley	Renick	

Nays—None

Vote after roll call:

Yea—W. D. Childers

On motion by Senator Hair, the rules were waived and by two-thirds vote HB 294 was withdrawn from the Committee on Appropriations.

On motion by Senator Hair—

HB 294—A bill to be entitled An act relating to the Department of Commerce; amending s. 288.012, Florida Statutes; providing exemptions from general law relating to employment of personnel in the department's foreign offices; providing an effective date.

—a companion measure, was substituted for SB 394 and read the second time by title. On motion by Senator Hair, by two-thirds vote HB 294 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Anderson	Hair	Maxwell	Steinberg
Barron	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenne	Neal	Thomas
Childers, D.	Jennings	Peterson	Tobiasen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gersten	Langley	Renick	Ware
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	

Nays—None

Vote after roll call:

Yea—W. D. Childers

SB 394 was laid on the table.

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

REPORTS OF COMMITTEES

The Senate resumed consideration of the following report which had been temporarily deferred:

The Honorable W. D. Childers March 8, 1982
President, The Florida Senate

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

<i>Office and Appointee</i>	<i>For Term Ending</i>
2. Secretary of Commerce Appointee: Edgerly, Stuart	Pleasure of Governor
3. Secretary of Commerce Appointee: Griffin, Donald A.	Pleasure of Governor
4. Board of Directors of the Prison Enterprises, Education and Rehabilitation, Inc., Member Appointee: Miller, Daniel J.	9/30/82
5. Board of Psychological Examiners, Member Appointee: Werner, Linda	9/30/85
6. Governing Board of the St. Johns River Water Management District, Member Appointee: Norton, George E.	7/1/85

As required by Rule 12.7(a), the 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 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 committee, by a separate vote as to each appointee, respectfully advises and recommends:

(2) That the Senate take no action to confirm the appointment of Stuart Edgerly as Secretary of Commerce as the committee does not believe the three months the appointee has had in office is sufficient time to fully grasp the role of Secretary of Commerce and to learn the functions of the entire department.

(3) That the Senate fail to consider the appointment of Donald A. Griffin as Secretary of Commerce because the committee finds that Donald A. Griffin only served from November 10, 1981 to December, 1981.

(4) That the Senate take no action to confirm the appointment of Daniel J. Miller as a member of the Board of Directors of the Prison Enterprises, Education and Rehabilitation, Inc. for the term indicated as the committee finds that the appointee has not attended a meeting of the board since appointment.

(5) That the Senate take no action to confirm the appointment of Linda Werner as a member of the Board of Psychological Examiners for the term indicated as the committee finds that the appointee did not respond to three letters written from the committee requesting additional information.

(6) That the Senate take no action to confirm the appointment of George E. Norton as a member of the Governing Board of the St. Johns River Water Management District for the term indicated as the committee finds that he is deceased.

(7) That Senate action on said appointments be taken prior to adjournment of the 1982 Regular Session.

(8) That there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,

Richard R. Renick, Chairman
Patrick K. Neal, Vice Chairman
Dan Jenkins

Tom Lewis
Sherrill Skinner

Senator Renick moved that the report be adopted and the Senate take no action and fail to confirm the appointments identified in the foregoing report of the committee to the offices and for the terms indicated, in accordance with the recommendations of the committee. The motion was adopted by the following vote:

Yeas—37

Anderson	Hair	Maxwell	Steinberg
Barron	Henderson	McClain	Stuart
Beard	Hill	McKnight	Thomas
Carlucci	Jenne	Neal	Tobiasen
Childers, D.	Jennings	Peterson	Trask
Dunn	Johnston	Poole	Vogt
Frank	Kirkpatrick	Rehm	Ware
Gersten	Langley	Renick	
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	

Nays—None

The President presiding

On motion by Senator Dunn, the rules were waived and time of adjournment was extended until 12:30 p.m.

SB 387—A bill to be entitled An act relating to purchasing; creating s. 287.095, Florida Statutes, prohibiting false representation of a person as a minority business enterprise under a state agency program designed to benefit such enterprises; providing a penalty; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal recommended the following amendment which was moved by Senator Hill:

Amendment 1—On page 1, strike all of lines 20-24 and insert:

(2) "Minority" means a person who is a citizen or lawful permanent resident of the United States and who is:

(a) Black, persons having origins in any of the Black racial groups of Africa;

(b) Hispanic, persons of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands regardless of race;

(c) Asian, persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands;

(d) American Indian or Alaska Native, persons having origins in any of the original peoples of North America; or

(e) A woman.

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

Amendment 1A—On page 1, line 1, strike the word "Minority" and insert: "Minority person"

Amendment 1 as amended was adopted.

On motion by Senator Hill, by two-thirds vote SB 387 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Hair	Maxwell	Stevens
Anderson	Henderson	McClain	Stuart
Barron	Hill	McKnight	Thomas
Beard	Jenne	Neal	Tobiassen
Carlucci	Jennings	Peterson	Trask
Childers, D.	Johnston	Poole	Vogt
Dunn	Kirkpatrick	Rehm	Ware
Frank	Langley	Renick	
Gersten	Lewis	Skinner	
Grizzle	Margolis	Steinberg	

Nays—None

By the Committee on Judiciary-Civil and Senator Anderson—

CS for SB 345—A bill to be entitled An act relating to the transportation of compressed gases; limiting the liability of persons who provide assistance in a dangerous incident; providing exceptions; providing an effective date.

—was read the first time by title and SB 345 was laid on the table.

On motions by Senator Anderson, by two-thirds vote CS for SB 345 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—37

Mr. President	Grizzle	Margolis	Stevens
Anderson	Hair	Maxwell	Stuart
Barron	Henderson	McClain	Thomas
Beard	Hill	McKnight	Tobiassen
Carlucci	Jenne	Neal	Trask
Childers, D.	Jennings	Peterson	Vogt
Dunn	Johnston	Rehm	Ware
Frank	Kirkpatrick	Scott	
Gersten	Langley	Skinner	
Gordon	Lewis	Steinberg	

Nays—None

SB 54—A bill to be entitled An act relating to excise tax on wines and beverages; amending s. 564.06, Florida Statutes; providing an exemption from such tax on certain wines and beverages made from certain products or concentrates of such products grown in Florida or in certain counties of Alabama or Georgia; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended the following amendment which was moved by Senator Tobiassen and adopted:

Amendment 1—On page 2, strike lines 29 and 30 and insert: *products grown in Florida or in any county in any state which is contiguous to Florida and which is located west of the Perdido River.*

Senators Scott and Hill offered the following amendment which was moved by Senator Scott:

Amendment 2—On page 3, strike all of lines 24 and 25 and insert:

Section 2. Section 561.221, Florida Statutes, is amended to read:

561.221 Licensing manufacturers and distributors as vendors prohibited; exceptions.—

(1) Nothing contained in s. 561.22, s. 561.42, or any other provision of the Beverage Law shall prohibit the ownership, management, operation, or control of not more than three vendor's licenses for the sale of alcoholic beverages by a manufacturer of ~~malt beverages~~ or wine licensed and engaged in the manufacture of ~~malt beverages~~ or wine in this state, even if such manufacturer is also licensed as a distributor; provided that no such vendor's license shall be owned, managed, operated, or controlled by any licensed manufacturer of ~~malt beverages~~ or wine unless the licensed premises of the vendor are situated on property contiguous to the manufacturing premises of the said licensed manufacturer of ~~malt beverages~~ or wine.

(2) *The division is authorized to issue vendor's licenses to a manufacturer of malt beverages, even if such Manufacturer is also licensed as a distributor, for the sale of alcoholic beverages on property consisting of a single complex, which property shall include a brewery and such other structures which promote the brewery and the tourist industry of the state. However, such property may be separated by no more than one public street or highway.*

Section 3. Subsection (6) of section 563.06, Florida Statutes, is amended to read:

563.06 Malt beverages; stamp on crown or can lid, size of containers.—

(6) All malt beverages packaged in bottles or cans sold or offered for sale by vendors at retail in this state shall be in containers containing only 7, 8, 12, 16, or 32 ounces of such malt beverages; provided, however, that nothing contained in the subsection shall affect malt beverages packaged in bulk or in kegs or in barrels or in any container containing 1 gallon or more of such malt beverage regardless of container type. *Any vendor or distributor that has purchased malt beverages for sale in 8-ounce containers prior to the effective date of this act shall be allowed to offer said malt beverages for sale after the effective date of this act.*

Section 4. Section 563.05, Florida Statutes, is amended to read:

563.05 Excise taxes on malt beverages.—

As to malt beverages containing more than 1 percent of alcohol by weight, there shall be paid by all manufacturers, distributors, and vendors, as herein defined, a tax of 40 cents per gallon upon all such beverages in bulk or in kegs or barrels, and, when sold in containers of less than 1 gallon, the tax shall be 5 cents on each pint or fraction thereof in said container. However, the excise taxes required to be paid by this section upon malt beverages ~~containing alcohol of not more than 3.2 percent by weight~~ shall not be required to be paid upon such beverages when the same are sold to post exchanges, ship service stores, and base exchanges located in military, naval, or air force reservations within this state.

Section 5. This act shall take effect upon becoming a law except that sections 2 and 3 shall take effect July 1, 1982.

Senator Hair moved the following amendment to Amendment 2:

Amendment 2A—On page 2, line 3, strike section 3 and renumber subsequent subsections.

Senator Hair raised a point of order stating that Amendment 2 deals with beer and the bill deals with wine, therefore the amendment was not germane.

The President appointed Senators Barron, Ware and Dunn as a committee to examine the amendment and advise the Chair.

have been enrolled, signed by the required Constitutional Officers and presented to the Governor on March 9, 1982.

Joe Brown, Secretary

Senator Johnston announced that the meeting of the Committee on Finance, Taxation and Claims scheduled for this day had been cancelled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 9 was corrected and approved.

ENROLLING REPORTS

Senate Bills 450, 491, 80, 425, 100, 150, 462, 56, 156, 245, 317, 896, CS for SB 459, CS for SB 879 and CS for SB 547

On motion by Senator Dunn, the Senate adjourned at 12:29 p.m. to convene at 9:00 a.m., Thursday, March 11.