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 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, 292, 487, 557, 696, 769, 803, 814, 886, 891, 892, 896, 899, 907, 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. 119.341, 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 Management 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 for the representation of employers or claimants 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 HB 151 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. 381.403(31)(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. 395.494(13)(e), (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. 468.225, 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. 468.285, 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; amending s. 468.081(1) and s. 468.011, Florida Statutes, providing legislative intent with respect to apprentices; revising 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 623—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. 222.13, 468.015, 410.016(1)(i), and 380.33(5), Florida Statutes; deleting or otherwise modifying certain reporting requirements; repealing ss. 20.19(3)(b) and (16), 381.3821(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, 1988; 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. 251.391, Florida Statutes, authorizing district school boards to purchase annuities for 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 Committee 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 as amended HB 174, HB 305, HB 621, HB 628 and HB 571 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. 634.406(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. 399.04(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 623—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 an effective date.

—was referred to the Committee on Agriculture.
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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. 413.08(1)(a), 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 Riser—

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 declaring 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 ss. 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 are 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 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)(b), (3), (5)(a), (6), (7), Florida Statutes, and adding paragraph (3)(e) thereto and repealing subsection (3)(e) thereof; 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 jobs creation 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 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. 219.25(5), Florida Statutes, providing a fee for copies of the Division of Motor Vehicles Procedures Manual; amending s. 220.865, Florida Statutes; requiring that certain bonds be filed with the division after delivery of certain bonds; providing for application of credits against the corporate income or franchise tax; 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 Personnel, 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 salary of its official reporters notwithstanding any limitations on such salaries set by law; amending s. 110.402(9), Florida Statutes, including the personal secretaries' cabinet of the Governor 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 certain bonds sold by negotiated bond sales; requiring the underwriter or financial consultant to file certain information with the division of bond finance; 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 bond 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; revising the section; providing for application of sanctions relating to bond issues unless taken before a judicial officer; providing for an effective date.

—was referred to 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. 911.76, 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.
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By the Committee on Regulated Industries & Licensing—

HB 888—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 899 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Natural Resources and Representative Myer—

CS for HB 266—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.12(21)(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 899—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 for 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 Committee 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 884—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 Tobiasson
Dunn Jennings Peterson Trask
Frank Johnston Poole Vogt
Gersten Kirkpatrick Rehm War
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.
March 10, 1982

SPECIAL ORDER - THURSDAY, MARCH 10, 1982

Mr. President Hair Margolis Steinberg
Mr. Vice President Speaker McClain Stevens

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

On motion by Senator Dunn, by two-thirds vote Senate Bills 496, 837 and CS for SB 338 passed the Senate March 9.

RECONSIDERATION

On motion by Senator Dunn, by two-thirds vote HB 765 was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—31

Mr. President
Hair
Margolis
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 SB 622 was withdrawn from the Committee on Environment, 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 committee 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.

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 382, HB 487, HB 567, HB 663, HB 703, HB 803, HB 844, HB 886, HB 891, HB 892, HB 893, 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 48, SB 394, CS for SB 345, SB 367, SB 54, SB 247, CS for SB 320, SB 65, CS for SB's 778, 970 & 985, CS for CS for SB's 751 & 546, 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: SB 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 (8) 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:

Yea—31

Mr. President
Hair
Margolis
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 SB 328 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 committee 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.
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 255 or chapter 403, Florida Statutes; amending s. 408.061, Florida Statutes, providing for publication of application for permit regarding chronology of agency action; amending s. 408.087, 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

Tobiasen

**Frank**

Kirkpatrick

Poole

Trask

**Grizzle**

Langley

Rehm

Vogt

**Hair**

Lewis

Renick

Ware

**Nays—None**

Vote after roll call:

**Yeas—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**

Jenne

McKnight

Stevens

**Childers, D.**

Jennings

Neal

Stuart

**Dunn**

Johnston

Peterson

Tobiasen

**Frank**

Kirkpatrick

Poole

Trask

**Grizzle**

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 SR 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:

Office and Appointment

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
3. Barbers' Board, Members
   Appointees: Barfield, Joseph L.
   Mosher, Gerald R.
   6/30/83
4. Board of Building Codes and Standards, Members
   Appointees: Reilly, Richard C.
   Wallace, Howard K.
   8/11/83
5. Secretary of Business Regulation
   Appointees: Rutledge, Gary R.
   Pleasure of Governor
6. Florida Citrus Commission, Members
   Appointees: Edwards, W. F.
   Griffin, Ill, Ben Hill
   Schirard, John H.
   Shipes, Dorothy C.
   Strazaull, Joseph Philip
   5/31/84
7. State Community College Coordinating Board, Members
   Appointees: Jones, Elizabeth N.
   Reeves, Sr., Garth C.
   9/15/85
8. Board of Trustees of Pensacola Junior College, Member
   Appointee: Thanes, Gale H.
   5/31/85
9. Board of Trustees, St. Petersburg Junior College, Members
   Appointees: Lang, Joseph H.
   Young, Robert C.
   5/31/85
10. Board of Cosmetology, Members
    Appointees: Williams, Irene E.
    1/1/86
11. Board of Trustees for the Florida School for the Deaf and the Blind, Member
    Appointee: Pilot, 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.
    12/5/86
14. Electrical Contractors' Licensing Board, Members
    Appointees: Bennett, Lester M.
    Lewis, Jerry
    Walworth, Diana L.
    12/17/85
15. Board of Engineers, Members
    Appointees: Bechamps, Eugene N.
    Kersten, Robert D.
    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: Sweet, 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
20. South Lake County Hospital District Board of Trustees, Members
    Appointees: Kurfiss, Reginald D.
    McQuaig, Marjorie Gray
    7/5/85
21. State Board of Independent Colleges and Universities, Members
    Appointees: Cheshire, Richard D.
    Wilson, Charles P.
    9/30/83
22. Board of Land Surveyors, Member
    Appointee: Herrick, Barney A.
    12/6/86
23. Board of Massage, Members
    Appointees: Bosetti, Anthony
    Harris, Susan F.
    1/1/86
24. Board of Medical Examiners, Member
    Appointee: Lutz, H. Roger
    8/1/86
25. Board of Nursing Home Administrators, Members
    Appointees: Bevilacqua, Margaret Rose
    Proctor, James M.
    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, Herald E.
    TurnINS, Robert V.
    Wimbish, C. Bette
    9/30/82
32. Florida Public Service Commission, Members
    Appointees: Leisner, Susan Wagner
    Marks, John
    1/1/86
33. Board of Regents, Members
    Appointees: Blount, James
    Brown, J. Hyatt
    Bryant, Cecilia
    Gibson, Robin
    Greene, Raleigh W.
    Scruggs, Frank
    1/1/86
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
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
38. Governing Board of the Suwannee River Water Management District, Members
    Appointees: Chandler, Jr., E.S.
    Gerlach, Jr., Philip E.
    7/1/85
March 10, 1982

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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 hearing, 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 B. Renick, Chairman
Patrick K. Neal, Vice Chairman
Dan Jenkins

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:

Yay—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    Tobissien
Frank    Jennings    Neal    Trask
Gersten    Johnston    Poole    Vogt
Gordon    Kirkpatrick    Behm    Ware

Nay—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:

For Term Ending

Office and Appointee

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 hearing, 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 because 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 B. Renick, Chairman
Patrick K. Neal, Vice Chairman
Dan Jenkins

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 Blake, 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 to 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
Patrick K. Neal, Vice Chairman

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:

Years—37

Mr. President
Anderson
Beard
Carlucci
Childs, D.
Dunn
Frank
Gersten
Gordon
Grizzle
Hair
Margolis
Steinberg
Maxwell
McClain
McKnight
Jenne
Jennings
Johnston
Kirkpatrick
Langley
Lewis
Margolis

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 1023.

Allen Morris, Clerk

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed SB 65, SB 320, CS for SB 490 and CS for SB 78.

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 SCR 1023.

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 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 state of the conclusion 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:

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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 63-1056, Laws of Florida, as amended by chapter 69-1208, Laws of Florida, and sections 2 and 3 of chapter 63-1048, Laws of Florida; providing for paving certain streets and highways in Lake County, on the board of county commissioners' own motion and without petition to the board of county commissioners; providing for the assessment 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 Laroche, by two-thirds vote SB 1019 was read the third time by title, passed and certified to the House. The vote on passage was:

Yes—57

Mr. President Hair Maxwell Steinberg
Andersson Henderson McClain Stevens
Beard Hill McKnight Stuart
Carlucci Jenkins McKnight Todd
Childers, D. Jenne Neal Trask
Dunn Jennings Peterson 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 for the 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; providing for 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 judgments for district officers and employees acting within the 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 Laroche, by two-thirds vote HB 271 was read the third time by title, passed and certified to the House. The vote on passage was:

Yes—42

Mr. President Gordon Kirkpatrick Peterson
Andersson 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

Nays—None

The bill was ordered engrossed and then enrolled.

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 26, 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, to 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, fees so long as each parent remains classified in such status, when the parents of such children must have been bona fide residents of the state for years next preceding 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:

295.02 Minimum requirements.—Upon failure of any child benefited by the provisions of s. 295.01 or s. 295.015 hereof to comply with the ordinary and minimum requirements of the institution attended, both as to discipline and scholarship, the benefits previously granted 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 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 hereof 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:

Yes—38

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

Nays—None

The bill was ordered engrossed and then enrolled.
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 for an exception to ss. 125.50-125.48, 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 Tobissien
Children, 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 Palm-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 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 the 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 Tobissien
Children, D. Jennings Peterson Trask
Dunn Johnston Poole Vogt
Frank Kirkpatrick Rehm Ware
Gersten Langley Renick
Gordon Lewis Scott
Grizzle Margolis Skinner

NAYS—None

HB 537—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 537 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 Tobissien
Children, D. Jennings Peterson Trask
Dunn Johnston Poole Vogt
Frank Kirkpatrick Rehm Ware
Gersten Langley Renick
Gordon Lewis Scott
Grizzle Margolis Skinner

NAYS—None

HB 618—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 acquire and dispose of real and personal property for the general purposes of the district; 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 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 acquire and dispose of real and personal property for the general purposes of the district; 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 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 acquire and dispose of real and personal property for the general purposes of the district; 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 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 acquire and dispose of real and personal property for the general purposes of the district; 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 method of collecting such tax; providing for the deposit and disbursement of funds of the district; establishing a fiscal year

—was read the second time by title. On motion by Senator Frank, by two-thirds vote HB 618 was read the third time by title, passed and certified to the House. The vote on passage was:

YEAS—7
Mr. President Hair Maxwell Steinberg
Anderson Henderson McClain Stevens
Beard Hill McKnight Stuart
Carlucci Jenne Neal Tobissien
Children, 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; creating the Jupiter Island Protection District within the county; 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; for the levy of a special erosion tax; 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.

The Town Commission of such town shall be the governing body or report the special taxes therein mentioned shall become a local law.

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 coextensive 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 1 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) Apportion an erosion committee, consisting of three persons. Such committee may, at any time, call upon the engineers or the Town Commission for the Town of Jupiter Island for assistance in 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 seawall 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 and that at such plan was receivable, and 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 a 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 is 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 herein, 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, coeval 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 67-1888, 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 as a special district with the 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 67-161, 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:

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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:

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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 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:

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HB 886—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 befreshholders; providing the board of commissioners the authority to sell and assign accounts 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 886 was read the third time by title, passed and certified to the House. The vote on passage was:

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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:

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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 specified 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:

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HB 893—A bill to be entitled An act relating to the Port Everglades Authority, Broward County; amending section 5(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, as 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; 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:

**Year—37**

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Nays—None

HB 927—A bill to be entitled An act relating to the City of Milton, Santa Rosa County; 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:

**Year—37**

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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:

**Year—37**

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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 Representa- 
tives 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.

By Representative Dyer and others—

HB 967—A bill to be entitled An act relating to Dixie Drainage District, Broward County, and amending the provisions 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 rehabilitation; 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.

HB 967 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, and all amendments thereto, shall be abolished effective immediately.

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 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 all modifications, improvements and enlargements thereof.

(2) “Bond” includes certificates, 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, including 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, 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 improvement 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, dikes, levees, spillways, sluiceways, storm drains, 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 238, 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. The board shall organize by electing a chairman who shall conduct all meetings of 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 shall employ a fiscal agent to perform such duties and services at such rate of compensation as the board may determine.

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 238, Florida Statutes, and for maintaining and operating the equipment owned by the district and 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 laws of another state, or under the laws of any other country approved by the district to be the treasurer of the district, who shall have charge of the funds of the district. Such funds shall be disturbed only upon the order of or pursuant to travel 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 drainage irrigation system of dams, ditches, locks, sluices, locks, weirs, 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 judgment 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 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 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 on such depository upon the funds so deposited as the board may deem just and reasonable.

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

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or authorities as may be authorized by law. The district is of the landowners at the time and place the same is called to
the boundaries of the district, with other public bodies, agencies, (3) If no quorum is present or represented at a meeting
to the district by this subsection shall be concurrent, within
vent or alleviate land erosion or flooding. The powers granted
district; to divert waters from one area, lake, pond, river, stream, basin, or drainage and board fails to do so upon request as provided in the preceding
ject or purpose of the type that the district is authorized to undertake purpose as the board may determine. A special meeting of
of the provisions of this act or any other law, or any combina-
public use, platted reservations for public purposes, or any

(7) To build and construct any other works and improve-
ments deemed necessary to preserve and maintain the works in or out of the district; to acquire, construct, operate, maintain, use, sell, or lease, by purchase or grant for the purpose of and equipment for any purpose authorized by this act or chapter 298, Florida Statutes; and to contract for the purchase, con-
struction, operation, maintenance, use, sale, conveyance, and transfer of real property, 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 or widen 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 assessment tax, an 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 resolu-
tion all structures, materials, things, whether solid, liquid, or gas, whether permanent or temporary in nature, which come upon, 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 compen-
sation 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 deve-
lopment 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 boun-
daries of the district.

(19) To lease as lessor or lessee to or from any person, firm, corporation, association, or body, public or private, any pro-
jects of the type that the district is authorized to undertake facilities and property or 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, drainage or water flood control facility; to control and regulate 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 pre-
vent, stop, or control 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 dis-
tricts 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 combina-
tion of the foregoing, for the acquisition, construction, reconstruction, extension, repair, improvement, maintenance or operation of any project or combina-
tion of projects, for any combination of the foregoing purposes; 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, Brow-
dard County, Florida, Seal, Established 1982."

Section 12. Fiscal year.—The board by resolution shall estab-
lish 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 and a maintenance budget for their approval. The proposed budget shall include an estimate of all necessary expenditures of the district for the next en-
suing fiscal year and an estimate of income to the district from the taxes and assessments. 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 budget hearing shall be directed to all landowners in the district and shall state the purpose of such meeting in the Broward County Courthouse and the place, date, and hour of holding such meeting. 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 design-
ated 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 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 ac-
tion without meeting.—

(1) The board shall publish notice of all meetings of land-
owners, once a week for 2 consecutive weeks prior to such meeting in a newspaper in Broward County in general circula-
tion 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 repre-
senting 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. The 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, the call of any special 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 adjourned meeting the landowners present or represented, unless 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 estates 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 in 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 in which 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 executors, administrators, trustees, or corporations a complete list of lands embraced in the district, or such other engineer or engineers as the board may employ for that purpose, a complete and comprehensive plan for the flow 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 executors, administrators, trustees, or corporations as the board may employ for that purpose.

(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 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 and any objections thereto, at any such hearing 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 for is filed; such alteration being made only 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 or, if said clerk a petition or, if the clerk's office is in another county, a request, asking the clerk to appoint three commissioners, who shall 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 landowners of the lands affected or any real or personal estate of persons residing within the district and 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 landowners of the lands affected or any real or personal estate of persons residing within the district.

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 that he is present or represented, take any action that the landowners could have taken at the meeting or meetings so adjourned for lack of a quorum.

(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 such benefits as will be derived by such property after other ditches, improvements, or other plans shall have been constructed, but they shall appraise such benefits as will be derived from the construction of the works and improvements described in the plan of improvement or reclamation of the same. The commissioners shall have power to change the plan of improvement or reclamation. The commissioners shall prepare and make a report of their findings and recommendations. The report of the commissioners shall be in the 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 4 “Amount of Damages Appraised”; Column 5 “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, 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, at any time, instruct 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 number of acres or other 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 execute appraisals of the land as aforesaid in whatever manner they shall be advised to do so, and the commissioners shall appraise the total value of the land and all the various improvements and easements that will be affected during the execution of the plan. 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 $5,000.

(9) Upon the filing of the report of the commissioners, the clerk shall give notice thereof by causing one copy thereof to be published in the Florida Management Services and publication to be made once a week for 2 consecutive weeks in a newspaper published in Broward County and of general circulation therein. It shall not be necessary for the clerk to name the parties interested, nor to describe the 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 any part, or all, of the report of said commissioners within 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 of Broward County, Florida on 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 hearing of the exceptions filed, that the total 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 of 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 to be condemned for the benefit of those who have filed exceptions for a part or all of the report of said 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 notice in writing to the clerk or before the hearing of the report, or if the exceptions filed 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 not less than an amount 90 percent of said total amount for emergencies. The said 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 bonds to be issued for 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 is to be secured by said bonds, shall be 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 premium 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 been defaulted 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 costs in the action brought to enforce payment, shall from January 1st of each year until paid constitute a lien of equal dignity with the liens for state and county taxes upon all the lands against which such taxes may be levied. Such lien shall be levied in each year 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 may have become due prior to such sale. No such sale thereof had been made. The provisions of ss. 194-171 and 197.056, Florida Statutes, and amendments thereto shall have been adopted in whole or in part by the board and may provide 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 under 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 therefor shall exceed 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 accordingly. Such reassessment or additional assessments shall be accomplished as 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, the tax to be levied to be ascertained and found necessary by the board of supervisors to pay the costs of the completion of the proposed works and improvements, as shown in said report, for the 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 thereto, and 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 bonds to be issued for 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 is to be secured by said bonds, shall be 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.
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 notes 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 paid from the proceeds of such bond anticipation notes at such time or times, as the board may determine not to exceed the maximum 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 manner as may be determined. 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 in full, or the proceeds from the sale of such bonds when issued, shall be held or deposited in the bank or banks of the United States, or in such other banks, as the board may designate. 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 the district and a corporate trustee or trustees, which may be any bank, trust company or corporation, or the district and a corporate trustee or trustees, which may be any bank trust company or corporation, or any bank or trust company incorporated under the laws of the state which may act as a depository of the proceeds of any bonds or of revenues to fund such purposes, and the district 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 determine. The resolution authorizing the issuance of such bonds or certificates of indebtedness may provide for the payment of the proceeds of the sale of such bonds or certificates of indebtedness 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 determine, and may pledge to such an extent as the board may determine the revenues to be derived therefrom and the whole amount of the indebtedness to be payable at such times, to bear such interest as the board may determine not to exceed 10 percent per annum, and may contain such provisions for the purpose of defraying such costs and expenses, the district may issue negotiable notes, warrants or other evidences of debt signed and delivered by the district in the form and manner as the board may determine not to exceed the maximum rate allowed by law, and may be payable from and secured by a pledge of such funds, revenues or other property of the district, or the proceeds from the sale of such bonds or certificates of indebtedness, at such times, as the board deems advisable in the discretion of the board, and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as the board may determine, and may pledge such funds, revenues or other property of the district, or the proceeds from the sale of such bonds or certificates of indebtedness, as the board may determine.

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 board and a corporate trustee or trustees, which may be any bank trust company or corporation, or a corporation or association, which may be either public or private, or a corporation, or a combination of any of the companies or associations enumerated in this list, or by a custodian of such funds, revenues, taxes, and assessments of the lands or property, or by any other security reasonably acceptable to the board, and the board shall have power to authorize the issuance of such bonds, fix the aggregate amount of such bonds to be issued, the purpose or purposes for which the moneys derived therefrom shall be expended, the rate or rates of interest which shall be paid on such bonds, the terms and conditions of the bonds, whether or not the bonds are to be issued in one or more series, the date or dates of maturity, the denomination of the bonds, and when and under what circumstances the bonds may become due and payable, the manner of execution, the form of the bond, the place of payment, the place or places of payment, the seal 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 notes 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 paid from the proceeds of such bond anticipation notes at such time or times, 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 manner as may be determined. 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 in full, or the proceeds from the sale of such bonds when issued, shall be held or deposited in the bank or banks of the United States, or in such other banks, as the board may designate. 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 23. Sale of bonds.—Bonds may be sold at one time or in 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 advertisements, 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 delinquent and as 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 of the board which has been adopted by an affirmative vote of 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 referred to a committee. The board may direct that the issuance of the 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 which shall be paid on such bonds, the terms and conditions of the bonds, whether or not the bonds are to be issued in one or more series, the date or dates of maturity, the denomination of the bonds, and when and under what circumstances the bonds may become due and payable, the manner of execution, the form of the bond, the place of payment, the place or places of payment, the seal 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 notes 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 paid from the proceeds of such bond anticipation notes at such time or times, as the board may determine not to exceed the maximum rate allowed by law, and may be payable from and secured by a pledge of such funds, revenues or other property of the district, or the proceeds from the sale of such bonds or certificates of indebtedness, at such times, as the board deems advisable in the discretion of the board, and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as the board may determine, and may pledge such funds, revenues or other property of the district, or the proceeds from the sale of such bonds or certificates of indebtedness, as the board may determine.

Section 25. Interim certificates; replacement certificates.—Paying 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.
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, and in such event the right, title, and interest of the holders of such bonds in any revenues, funds or other properties by which such bonds are secured shall thereupon cease, determine and become void, and the bonds shall be held as if they were issued in connection with such funds or other properties. All sums received in connection with such bonds or obligations and all balances remaining in all other funds or accounts other than money held to redeem or pay the principal of or interest on the bonds or other obligations shall be applied 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, in such face amount that at the time of such issuance have not 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 and in such manner as shall be determined by 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 in 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 section with respect to refunding bonds shall be construed to be consistent with the provisions 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.

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 combination of 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 holders thereof 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 holders of such bonds 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 be taken in the order of the projects that 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 held as if they were issued in such terms, conditions, and limitations as shall be provided, and may further provide that the revenues to be derived from the other projects that shall at the time of the issuance of such parity revenue bonds be also pledged to the holders of any revenue bonds thereto 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. Any surplus in the assessment fund existing 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 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 election as required by the laws of Florida. Each election shall be conducted upon the affirmative vote of not less than a majority of the qualified electors who are freeholders. The right of the holders of general obligation bonds to have the bonds validated by the courts 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

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, trustees, 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 in trust for such purpose, and provisions shall also be made

Section 33. Covenants.—Any resolution authorizing the issuance of bonds may contain such covenants as the board may deem necessary or desirable in connection with any project or combination of projects, for the establishment of competing projects or facilities, restrictions as to rate or amount.

Section 34. Validity of bonds; validation proceedings.—

(1) Any bonds issued by the district shall be incontestable in the hands of the holders thereof 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
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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 or sale of bonds therefor, 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 affected thereby. Proceedings to invalidate any court order or action or proceeding so instituted within such 20-day period then the validity of such obligations, proceedings and covenants shall be conclusive, and all or parts thereof 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 in connection with 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, commissioner, department, agency, or instrumentality of the district, other than those required by this act, shall not be required to issue any bonds or to do any act or perform any thing 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, commissioner, department, agency, or instrumentality of the State of Florida or any political subdivision thereof. Except as otherwise provided herein, no procedures or parts of any such bonds, or both. The ad valorem tax provided for herein shall not exceed 2 mills and shall be in addition to the general laws of Florida if such property, project or facility were exempt from taxation under the general laws of Florida if such property, project or facility were owned or undertaken by a public corporation.

Section 36. Pledge by the State of Florida to the bondholders of the taxing districts. The State of Florida, in accordance with the provisions of this act, shall be exempt from all taxes by the state or by any political subdivision, agency, or instrumentality thereof. Nothing in this act shall be deemed to exempt from taxation 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 public corporation.

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 retirement fund established for the payment of such bonds. The ad valorem tax provided for herein shall not exceed 2 mills and shall be in addition to the gross annual assessment levied on the property specially benefited. Such tax shall be assessed, levied and collected in the same manner and same time as county taxes. Such tax shall be a lien upon the property against which assessed enforceable in like manner as county taxes.

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 shall be exempt from all taxes by the state or by any political subdivision, agency, or instrumentality thereof. The board shall determine.

Section 39. Maintenance tax.—To maintain and preserve the drainage and other improvements of the district a maintenance tax shall be evidenced to the benefit of such property by local improvements, as provided in section 44(1), shall be assessed to the property specially benefited by the improvement in proportion to the benefits to be derived thereby, said special assessments to be determined and prorated according to such method as the board may prescribe.

Section 40. Enforcement of taxes.—(1) The collection and enforcement of all taxes levied by the district shall be in the same manner 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 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 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 from the projects provided by this act shall be exempt from taxation under the laws of Florida.
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, the source of the funds therefor, and the location of the 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 the 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 describe 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 construction cost, 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 one year after completion of construction, and the discount on the sale of special assessment bonds, the 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 expenses 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 providing 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 proposed improvement and benefit to each lot of land, property, rights, easements, and franchises acquired, 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 expenses as may be necessary or incident to the financing herein authorized.

(5) PUBLICATION OF RESOLUTION.—Upon the adoption of the resolution provided for in subsection (3), the board shall cause said resolution to be published once in a week for a period of 2 weeks 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 subsection (3), upon which assessment roll shall be entered the names and addresses of such property owners to be assessed and the number of annual installments in which the assessment shall be paid.

(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 adequacy of the making such improvements, as to the cost thereof, as to the manner of payment thereof, and as to the amount thereof to be assessed against each property, and any such hearing shall be held at least 10 days before the date of the hearing. Said notice shall describe the streets or other areas to be improved and advise all persons interested in the description of each property to be assessed and the amount to be assessed to each piece or parcel of property may be ascertainable at the office of the secretary of the board. Such notice shall also state the character of the improvement roll and the affidavits of the publisher and filed with the secretary of the board.

(8) EQUALIZING BOARD TO HEAR COMPLAINTS AND ADJUST ASSESSMENTS; OBJECTIONS; WAIVER OF OBJECTIONS; RATES OF DIFFERENCE IN COST AND ASSESSMENT; CREATION OF LIEN.—At the time and place mentioned in subsection (7), the board shall meet as an equalizing board to hear and consider all objections to such 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 that 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 roll and the final adjudication of the issue presented unless proper steps may be taken in a court of competent jurisdiction to secure an equalization of the said assessments.

(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, equal in dignity to all other liens, titles, and claims, until paid; shall be a first lien on all lands, property, rights, easements, and franchises acquired, 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 expenses as may be necessary or incident to the financing herein authorized.

(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 of 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 at any time within 30 days after the improvement is completed and a resolution acceptance has been adopted by the board.

(11) PAYMENT AND COLLECTION OF SPECIAL ASSESSMENT; FORECLOSURE; SERVICE OF PROCESS.-
(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 any law to the contrary notwithstanding, the tax collector in each year shall in a list of all special assessments and names of the owners of and a description of the properties against which such special assessments were levied, and such statements or portions thereof, as the board may require, shall be delivered to the county tax collector in each year at the same time as the general county taxes falling due in the same year or years in which such special assessments or installments thereof fall due, and any assessments or installments thereof fail due, and any assessment or installment not paid when due shall be collectible with such interest as may be charged or by law, and such sums as may be collected or recovered in any court of competent jurisdiction. All such assessments or installments thereof shall be subject to such liens as now provided by law. If any such assessments to foreclose shall embrace all the property involved in said proceedings as now provided by law, the same shall be subject to all liens attached thereto, and the same shall be collectible as a part of the purchase price represented by the assessments sued upon and the costs incidental thereto and interest thereon need not be paid in cash. Property so acquired by the board may be sold or leased at public sale to the highest and best bidder for cash or other value, the proceeds of which sale or lease to be deposited in the county treasury to be applied to the sale or purchase expenses of said property. Said bonds shall be payable from a special tax levied for said purpose. The sale of said property shall be made by the county tax collector at the same time as the general county taxes falling due in the year of the sale.

(c) 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 fail due, and any assessment or installment not paid when due shall be collectible with such interest as may be charged by the county tax collector or of the district, in the discretion of the board, 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 main mortgage tax, assessment and special fund created thereby. The board shall have the right to enter into contracts and to make agreements with any contractor or persons or firms for the performance of such work and to pay therefor such sums as may be agreed upon between the board and the contractor or persons or firms, but the board shall not be bound by any such contract, and the board may determine to do the work by the district forces without contract.

(d) All charges of the county tax collector or of the district, and of the county tax collector or of the district, or its authorized agents, attorneys 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 main mortgage tax, assessment and special fund created thereby. The board shall have the right to enter into contracts and to make agreements with any contractor or persons or firms for the performance of such work and to pay therefor such sums as may be agreed upon between the board and the contractor or persons or firms, but the board shall not be bound by any such contract, and the board may determine to do the work by the district forces without contract.

(e) 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 statements or portions thereof as the board may require, shall be delivered to the county tax collector in each year at the same time as the general county taxes are collected, and the board shall in such event for the district and the same shall be collectible as a part of the purchase price represented by the assessments sued upon and the costs incidental thereto and interest thereon need not be paid in cash. Property so acquired by the board may be sold or leased at public sale to the highest and best bidder for cash or other value, the proceeds of which sale or lease to be deposited in the county treasury to be applied to the sale or purchase expenses of said property. Said bonds shall be payable from a special tax levied for said purpose. The sale of said property shall be made by the county tax collector at the same time as the general county taxes falling due in the year of the sale.

(f) Broward County and each school district and 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 any such county, school district and political subdivision as shall be subject to liens, special assessments or special assessment bonds of any other county, school district and political subdivision.

(g) The board shall have the right to enter into contracts and to make agreements with any contractor or persons or firms for the performance of such work and to pay therefor such sums as may be agreed upon between the board and the contractor or persons or firms, but the board shall not be bound by any such contract, and the board may determine to do the work by the district forces without contract.

(h) The board may in the discretion of the board, 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 statements or portions thereof as the board may require, shall be delivered to the county tax collector in each year at the same time as the general county taxes are collected, and the board shall in such event for the district and the same shall be collectible as a part of the purchase price represented by the assessments sued upon and the costs incidental thereto and interest thereon need not be paid in cash. Property so acquired by the board may be sold or leased at public sale to the highest and best bidder for cash or other value, the proceeds of which sale or lease to be deposited in the county treasury to be applied to the sale or purchase expenses of said property. Said bonds shall be payable from a special tax levied for said purpose. The sale of said property shall be made by the county tax collector at the same time as the general county taxes falling due in the year of the sale.

(i) 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 statements or portions thereof as the board may require, shall be delivered to the county tax collector in each year at the same time as the general county taxes are collected, and the board shall in such event for the district and the same shall be collectible as a part of the purchase price represented by the assessments sued upon and the costs incidental thereto and interest thereon need not be paid in cash. Property so acquired by the board may be sold or leased at public sale to the highest and best bidder for cash or other value, the proceeds of which sale or lease to be deposited in the county treasury to be applied to the sale or purchase expenses of said property. Said bonds shall be payable from a special tax levied for said purpose. The sale of said property shall be made by the county tax collector at the same time as the general county taxes falling due in the year of the sale.
pleaded to the payment of said bonds, are equal to the amount of the bonds issued. The bonds may be delivered to the con-
struction firm for his work thereon, or may be sold at public or private sale for not less than par and accrued interest, 
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 out of the funds 
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 pro-
vided 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 deter-
mine 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 certif-
icates. 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 cer-
tificates of indebtedness referred to in the preceding para-
graph 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 and proceeds from such assessment bonds or other obligations, the proceeds from such certificates of indebtedness and from assessment liens de-
posited therein shall be used only for the payment of the assessed improvement for which said special assessments and interest or penalties thereof for which such certificate of indebtedness and assessment liens have been deposited in or assigned to such special fund and to foreclose such assessment liens so assigned to such special fund or repre-
sented by the certificates of indebtedness deposited in said special fund, after such assessment liens have become delin-
quent, 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 pur-
suant to this section shall have such dates of issue and matur-
ity as shall be deemed advisable by the board, provided, how-
ever, that the maturities of such assessment bonds or other ob-
ligations are more than 2 years after the due date of l
s 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 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 pro-
cedings in the name of the district in the district 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 assessments on land 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 par-
tially within the boundaries of the district.

(2) Delinquent taxes paid, or tax sales certificates redeemed 
deliberately, by the district, or the proceeds of such taxes 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 Stat-
tutes, 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 shall 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 recla-
mation 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 pro-
posed by this act, nor shall any goods, supplies or materials 
be purchased by the district, or the amount thereof to be paid by said 
district shall exceed $4,000, unless notice of bids shall be adver-
tised once a week for 2 consecutive weeks in a newspaper pub-
lished 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 
make any other covenants deemed necessary or advisable in order to properly secure the holders of such assessment bonds or other obligations.

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, excava-
tion, 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 agree-
ments with fiscal agents, financial advisors, state commissions,
ingineers 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
purposes of the former district; providing for an improvement tax and a maintenance tax, based on benefits; providing for the measurement of the affairs of the district by a board of supervisors; providing for the powers of the board of supervisors to carry out the purposes of the district; pro-
viding for alternative methods of adopting and completing a plan of road improve-
ment or reclamation; providing for the enforcement of the provisions of the act or the rules adopted hereunder; providing
an effective date.

WHEREAS, there has herefore been established by pro-
cedings under chapter 298, Florida Statutes, a drainage dis-
trict, known as the Dixie Drainage District, encompassing a track 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 Acra Improvement District, so as to enable that district to undertake the improvements herein provided for and to pro-
 mote 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 lands and create favorable conditions for the development of

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—26

Mr. President

Anderson

Beard

Carluzi

Childers, D.

Dunn

Frank

Gersten

Gordon

Grizzle

Henderson

Hill

Jenne

Jennings

Johnston

Kirkpatrick

Langley

Lewis

Margolis

Maxwell

McClain

McKnight

Neal

Peterson

Pooe

Rehm

Renick

Scott

Skinner

Steinberg

Stuart

Tobiasen

Trask

Vogt

Ware

Nays—1

Stevens

NAY

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 238, SB 525, CS for SB 717, SB
On motion 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—36
Anderson Henderson Margolis Scott
Beard Hill Maxwell Skinner
Carlucci Jenkins McClain Steinberg
Childers, D. Jennings McKeyMcKnight Stevens
Dunn Jennings Neil Stuart
Frank Johnston Peterson Trask
Gersten Kirkpatrick Poole Trask
Gordon Langley Rehm Vogt
Grizzle Lewis Renick Ware

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. 718.120, 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, except that if the sum of the assessed values of the condominium parcels comprising the condominium property exceeds the assessed value of the condominium property as a whole, 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 Beard Carlucci Childers, D. Dunn Frank Gersten Gordon Grizzle
Hair Henderson Jenkins Jennings Johnston Langley Lewis Margolis

Seventy-One

Nays—None

Vote after roll call:

Yea—W. D. Childers, Hair

SB 206 was laid on the table.

SB 212—A bill to be entitled An act relating to cooperatives; amending s. 718.120(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 Beard Carlucci Childers, D. Dunn Frank Gersten Gordon Grizzle
Hair Henderson Jenkins Jennings Johnston Langley Lewis Margolis

Seventy-One

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
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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, 1983” 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 account. 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 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 utilize 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, paying the buyer in the amount of the escrow deposits 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.

(Repeal 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
Gersten  Johnston  Peterson  Trask
Grizzle  Kirkpatrick  Pool  Vogt
Langley  Rehm  Ware

Nays—None

Vote after roll call:

Yea—W. D. Childers

On motion by Senator Renick—

HR 146—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 (4), personal property used as marine cargo containers in the conduct of foreign or interstate commerce shall not be deemed to have acquired 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 25, 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:

Year—38

Anderson Hair Margolis Steinberg
Barron Henderson Maxwell Stevens
Beard Hill McKnight Stuart
Carluccio Jenkins Neal Thomas
Children, D. Jenne Peterson Tobiasen
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 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 on the person. and approval of enterprise zones by the Department of Veteran Affairs; creating chapter 162, Florida Statutes; creating the Florida Enterprise Zone Act of 1982; providing definitions; for designation of enterprise zones by local governing bodies; providing for application and approval of enterprise zones by the Department of Veteran 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 (9)(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), (4), and (5), Florida Statutes, and adding paragraph (5)(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 (3)(e) therein; amending ss. 288.607(2)(a) and (b) and 288.608(1)(b), (d), (e), (6), Florida Statutes, and adding paragraph (3)(e) therein; amending ss. 288.607(2)(a) and (b) and 288.608(1)(b), (d), (e), (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 carryover of unused carry forward credits after expiration of economic revitalization jobs creation credit; authorizing certain carryovers for the community contribution tax credit; authorizing the 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:

Yea—97
Anderson Beard Carducel Children, D. Dunn Frank Gersten Gordon Grizzle Hair
Henderson Hill Jenkins Jennings Johnston Langley Lewis Margolis Maxwell
McClain McKnight Neal Poole Rehm Renick Skinner Steinberg
Stevens Stuart Thomas Trask Vogt Ware

Nay—None

Vote after roll call:
Yes—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:
(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 recoding of section. See s. 617.018, 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, incorporation 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.
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(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 60 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 of each class entitled to vote thereon and the affirmative vote of a majority of the votes of all members entitled to vote thereon as a class in which event the proposed amendment shall be adopted.

(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 of 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 being 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 restated 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 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. 607.054 and 607.057 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 all acts 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. 617.018, 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 filling 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 corporation 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:

Yea—38

Barron
Barron
Beard
Beard
Carlucedel
Carlucedel
Childers, D.
Childers, D.
Dunn
Dunn
Frank
Frank
Gersten
Gersten
Gordon
Gordon
Grieffa
Grieffa
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:

Yea—38

Anderson Hair Maxwell Steinberg
Barron Henderson McClain Stevens
Beard Hill McKnight Stuart
Carluci Jenne Neal Thomas
Childers, D. Jennings Peterson Tobiassen
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
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:

Office and Appointee
2. Secretary of Commerce Appointee: Edgerly, Stuart
3. Secretary of Commerce Appointee: Griffin, Donald A.
4. Board of Directors of the Prison Enterprises, Education and Rehabilitation, Inc., Member Appointee: Miller, Daniel J.
5. Board of Psychological Examiners, Member Appointee: Werner, Linda
6. Governing Board of the St. Johns River Water Management District, Member Appointee: Norton, George E.

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 R. Neal, Vice Chairman
Dan Jenkins

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:

Yea—37

Anderson Hair Maxwell Steinberg
Barron Henderson McClain Stevens
Beard Hill McKnight Stuart
Carluci Jenne Neal Thomas
Childers, D. Jennings Peterson Tobiassen
Dunn Johnston Poole Trask
Frank Kirkpatrick Rehm Vogt
Gersten Langley Renick Ware
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:
Amendment 1—On page 2, 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 vendor's license 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 beverage regardless of container type.

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 containers. However, the excise taxes required to be paid by this section upon malt beverages containing alcohol of not more than 1.5 percent by weight shall not be required to be paid upon such beverages when the same are sold to post exchanges, ship services, 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.

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

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

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL
The Journal of March 9 was corrected and approved.

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