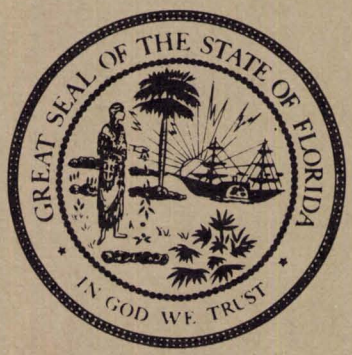
Florida Legislative
Service Bureau

1970 Summary of General Legislation



Tallahassee
September 1970

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SUMMARY OF GENERAL LEGISLATION

1970 Regular Session

List of Articles

AGRICULTURE

Citrus:

Senate Bill No. 1303 (Chapter 70-444) amends subsection 601.10(3), Florida Statutes, to authorize the Citrus Commission to employ an executive director, instead of a manager; to delete limitations of $150,000 for headquarters' salaries; and to authorize payment of certain retirement and other benefits for employees in foreign countries as applicable foreign law provides.

Committee Substitute for Senate Bill No. 400 (Chapter 70-142) amends Chapter 601, Florida Statutes, by providing for an assessment of a citrus excise tax on the first processing or reprocessing in this state of oranges or grapefruit products and beverages or concentrates. Exempts products grown in another state, and products subject to the advertising tax are exempt to the extent this tax has been paid. Requires the filing of certified returns and periodical payments of the tax.

Senate Bill No. 1080 (Chapter 70-153) amends Chapter 601, Florida Statutes, by providing for an additional excise tax of two cents per box upon each box of oranges grown in Florida and sold for processing. Such tax will be paid into the Florida Citrus Advertising Trust Fund and used exclusively for advertising processed orange products.

Senate Bill No. 1304 (Chapter 70-161) amends Section 601.15, Florida Statutes, to require that 25 percent of the citrus advertising tax be placed in a reserve fund and used solely to conduct intensive campaigns of commodity advertising and sales promotion of oranges, processed orange products and by-products.

Senate Bill No. 401 (Chapter 70-15) amends Section 601.981, Florida Statutes, to authorize issuance of permits for the export to foreign counties of citrus fruit rather

than limiting the authorization to the exportation of grapefruit and oranges, other than Temple oranges.

Senate Bill No. 403 (Chapter 70-16) amends Section 601.9916, Florida Statutes, relating to the issuance of permits for the processing, shipping and sale of frozen concentrated orange juice or concentrated orange juice for manufacturing, to provide that any such juice which has been filled into one to five gallon containers shall not thereafter be filled into other containers unless when reconstituted it contains not less than 12.8 percent by weight of orange juice soluble solids exclusive of nutritive sweeteners; that juice which has been filled into containers larger than five gallons shall not thereafter be filled into other size containers unless when reconstituted it contains not less than 12.8 percent by weight of orange juice soluble solids exclusive of nutritive sweeteners; nor filled into containers from one to five gallons unless when reconstituted the juice contains more than 11.8 percent by weight of orange juice soluble solids exclusive of added sweetening ingredient.

Senate Bill No. 542 (Chapter 70-17 repealed Section 865.03, Florida Statutes, which prohibited persons from bringing into the state any citrus tree or wood affected with the insect known as the white or cottony cushion scale.

Plant Industries:

Senate Bill No. 540 (Chapter 70-38) authorizes the Department of Agriculture and Consumer Services in conjunction with its authority to test nursery stock, to prescribe inspection fees and to sell any budwood or seed resulting from propagation of tested plants. The act also authorizes the Department to sell any fruit produced incidental to such propagation.

Senate Bill No. 544 (Chapter 70-39) authorizes the Department to refuse to issue or to suspend the certificate of inspection of nursery stock or plant products where plant pests exist or when the nursery stock is in such condition that efficient inspection for plant pests cannot be made.

Senate Bill No. 539 (Chapter 70-389) changed the membership of the Plant Industry Technical Committee by deleting the seed representative and adding a flower industry representative. This act also authorized the director of the division to direct, coordinate and enforce activities under Chapter 586, the Honey Certification Law, as well as Chapter 581, the Plant Industry Division Law.

Senate Bill No. 541 (Chapter 70-49) substitutes the terminology "plant pests" for the words "insect pests and disease," in applicable portions of Chapter 581, Florida Statutes.

Tobacco:

House Bill No. 5266 (Chapter 70-345) creates the Florida Flue-Cured Tobacco Marketing Act. The act authorizes the Department of Agriculture and Consumer Services to issue a marketing order after approval by a specified percent of producers and handlers in a referendum. The act also provides for appointment of an advisory council by the Commissioner of Agriculture and establishes duties and powers of such council, provides for assessments, establishes enforcement procedures, and provides penalties for violations.

Senate Bill No. 213 (Chapter 70-46) provides for the appointment of two additional tobacco farmer or producer members on the tobacco advisory council.

Forestry, Soil and Water Conservation:

House Bill No. 3691 (Chapter 70-309) provides that the functions of the Everglades Fire Control District be assigned to the Division of Forestry of the Department of Agriculture and Consumer Services to be merged with the Fire Control Bureau rather than to be assigned as a separate bureau within that Division.

House Bill No. 3641 (Chapter 70-306) provides that the membership of the Florida Forestry Council be appointed by the Commissioner of Agriculture rather than the Governor, and specifies areas of forestry which shall be represented. Procedure for calling meetings and the powers and duties of the Council are also provided.

Substantial amendments to the composition, powers and duties of the Soil and Water Conservation Council were enacted by Senate Bill No. 573 (Chapter 70-392). The bill requires the members of the Council to be appointed by the Commissioner of Agriculture rather than by the Governor and sets forth, in Section 582.07, Florida Statutes, the powers and duties of the Council which are generally aimed at advising and assisting the Commissioner of Agriculture in matters of concern relating to soil and water conservation. The bill also sets down powers and duties of the Department of Agriculture in relation to soil and water conservation and authorizes the Department to employ an administrative officer of Soil and Water Conservation and such technical experts and other employees as it may require.

Dairy, Non-Dairy and Food Products:

House Bill No. 929 (Chapter 70-247) amends Chapter 502, Florida Statutes, the milk and milk products law. It corrects the definition of low fat milk, and removes the requirement that information be placed on milk containers showing the source or location of production. It also removes the prohibition against commingling milk produced within the state with milk produced out-of-state, and authorizes the Commissioner of Agriculture to establish definitions and standards and to authorize new dairy products.

Under House Bill No. 4279 (Chapter 70-78) the phrase "industry trade products" is coined and such phrase is used to define, for statutory purposes, any non-dairy product which has the semblance of milk or a milk product. Section 502.161, Florida Statutes, previously entitled and relating to imitation milk has been re-entitled "industry trade products" and substantially amended to include the new phraseology. The section is also amended to provide specific and restrictive regulation in the labeling, displaying and advertising of any industry trade product.

Livestock:

Senate Bill No. 1025 (Chapter 70-152) amends Chapter 534, Florida Statutes, to authorize the Commissioner of Agriculture, upon a failure of renewal of a livestock mark or brand, to place such mark or brand on an inactive list and to cancel it after a period of twelve (12) months.

House Bill No. 4359 (Chapter 70-257) amends Chapter 585, Florida Statutes, to authorize the destruction of herds of diseased domestic animals and also to provide for an increase in indemnity payments for destruction of animals diseased with or exposed to tuberculosis or brucellosis.

House Bill No. 3644 (Chapter 70-235) amends Section 534.081, Florida Statutes, to authorize the Commissioner of Agriculture to appoint livestock investigators as special officers and gives them arrest powers for violations relating to livestock theft. Such special officers are authorized to enter all premises when necessary to enforce such laws.

Pesticides and Hazardous Substances:

Committee Substitute for House Bill No. 3188 (Chapter 70-52) amends Section 487.021, Florida Statutes, to define "persistent pesticide" as one that will persist in the environment beyond a year after application. The act also amends Section 487.031, Florida Statutes, to add a subsection which regulates the use of persistent pesticides.

Senate Bill No. 374 (Chapter 70-374) relating to hazardous substances makes it unlawful to introduce into commerce, deliver, misbrand, receive or guarantee falsely any substance defined in this act as being hazardous. It provides for administration and enforcement of the act by the Department of Health and Rehabilitative Services, but does not remove from any other agency any authority such other agency may have under other law. This bill follows the federal law pertaining to hazardous substances and provides intrastate controls such as enjoining unlawful activities and embargo and seizure of hazardous substances.

Miscellaneous:

Committee Substitute for House Bill No. 4584 (Chapter 70-258) creates the Florida Soybean Marketing Act and provides enabling legislation for the marketing, handling and distribution of soybeans grown in Florida. The act provides for referendums of producers and handlers of soybeans, requires any marketing order to provide for appointment of an advisory council by the Commissioner of Agriculture, establishes duties and powers of such advisory council, authorizes the Department of Agriculture and Consumer Services to collect producers' assessment from handlers, establishes enforcement procedure and provides penalties for violations.

Senate Bill No. 827 (Chapter 70-415) repeals certain sections in Chapter 579, Florida Statutes, to abolish Sea Island cotton production districts.

CIVIL LAW, PRACTICE AND COURTS

Prior to presenting the digest of the new acts in the area of civil law, practice and courts, reference is made to the Constitutional Amendments section of this digest for two important proposed amendments. The first of these revises the judicial article, Article V of the Florida Constitution. The other important amendment proposes to lower the age of legal majority to 18 years.

Real Property, Probate and Trusts:

With the adoption of the 1968 Constitution, married women were given the same property rights as men. Article X, Section 5, states that there shall be no distinction between married women and married men in the holding, control, disposition, or encumbering of their property, both real and personal. House Bill No. 1562 (Chapter 70- 4), Laws of Florida, implements that language to bring the statutory law of the state into conformity with the new Constitution.

Prior to the enactment of Senate Bill No. 175 (Chapter 70-45, Laws of Florida) both husband and wife had to join in the conveyance of homestead property. This new law, specifically authorized by the new Constitution, allows a guardian of property, upon proper court order, to convey or release any right or interest in homestead property.

The conveyance of property is also affected by House Bill No. 1847 (Chapter 70-103) which requires that all laws purporting to convey real property from one governmental agency or political subdivision to another shall be recorded in the public records of the county where the property is located.

With the enactment of House Bill No. 2317 (Chapter 70-301), a limited partnership may now in its own name acquire and convey any estate in real property.

Quiet title actions have been modified by two laws. With the passage of House Bill No. 559 (Chapter 70-278), the court in an action to quiet title need no longer appoint a guardian ad

litem unless it affirmatively appears that the interest of minors, persons of unsound mind, or convicts are involved. House Bill No. 4210 (Chapter 70-326) amends Section 69-041, Florida Statutes, to authorize the state or any of its agencies to be named party in an action to quiet title to real property in which the state has an interest. In addition, this new law permits the naming of the state as a party in the foreclosure of a mortgage or other lien in which the state had an interest.

A limitation on property rights was enacted in the form of House Bill No. 1128 (Chapter 70-100) which provides that if a right of entry or easement conveyed or reserved for the purpose of mining, drilling, exploring, or developing is not exercised for twenty years the owner of the property may bring suit to clear the right of entry or easement from the title to the property.

Along with a revision of the anatomical gift act in 1969, the Legislature inadvertently repealed Section 736.17, Florida Statutes. Senate Bill No. 135 (Chapter 70-54, Laws of Florida) reenacts this section, often referred to as the "pour over trust" section. In essence, this section permits a person to make a bequest to a previously existing trust and is a very important tool in estate planning.

Another important estate planning law is Senate Bill No. 410 (Chapter 70-376) dealing with life insurance proceeds. For a summary of this bill, see the Insurance section.

Eminent Domain:

Eminent domain proceedings were modified by three new laws. House Bill No. 1093 (Chapter 70-286) amends subsection 74.041(3), Florida Statutes, to require that the time for the hearing on the declaration of taking shall not be earlier than one day following the date to show cause why the property should not be taken. This new law gives a person a minimum of twenty-nine days to prepare a defense to a taking of his real property. Following the entry of a default judgment, House Bill No. 1092 (Chapter 70-285) permits an interested person to appear before

the jury to claim the amount of compensation that he conceives to be due for the property. In addition, this new law provides that defaults in eminent domain proceedings may be opened for cause by the judge at any time prior to the trial.

The third new eminent domain law, House Bill No. 1091 (Chapter 70-284) deals with jury damage verdicts in eminent domain cases, requiring the verdicts to state the amount of each separate damage rather than stating the sum total of all damages awarded.

Law and Practice:

The Florida lien law was amended by House Bill No. 4765 (Chapter 70-340) which levies a misdemeanor penalty for removing personal property upon which a lien for labor or services has accrued. This bill also makes it prima facie evidence of intent to defraud, to stop payment on a check given in order to secure the removal of property upon which a lien has accrued. This portion of the bill is significant because the possessory right and lien of the person performing labor or services is lost by the removal of that property upon which the lien has accrued.

Another act dealing with the lien law is Committee Substitute for Senate Bill No. 36 (Chapter 70-89 , Laws of Florida). This act shortens from seventy-five to forty-five days the time a vehicle stored with a garage by law enforcement authorities must be held before it can be sold by the garage for towing or storage charges. In addition, the law provides that any person claiming a lien under Section 713.58, Florida Statutes, may enforce it by sale without judicial proceeding thirty days after the charges become due.

While the Uniform Commercial Code provides that other laws inconsistent or in conflict with it shall yield to its provisions, Senate Bill No. 136 (Chapter 70-34, Laws of Florida) was enacted to clear up a possible ambiguity in the law of personal property. This act amends subsection 697.04(1), Florida Statutes, which authorized a mortgage to secure future advances. By removing personal property, livestock, and crops from the

provisions of subsection 697.04(1), Senate Bill No. 136 leaves transactions concerning these forms of property to be controlled by the Uniform Commercial Code.

Another new law dealing with the Uniform Commercial Code is House Bill No. 1198 (Chapter 70-288) which amends Section 676.6-104(1)(c), Florida Statutes, to provide that the place of filing the required list of creditors and schedule of property transferred in bulk transfers shall be the office of the clerk of the circuit court of the county where the transferor had his principal place of business. Section 676.6-107(3), Florida Statutes, was also amended to provide that in counties over 200,000 population notice of the transfer shall be mailed or delivered to the list of creditors and published.

Relating to powers of attorney, House Bill No. 1968 (Chapter 70-33, Laws of Florida) provides that when a principal is listed as missing in action, acts of agents under a power of attorney shall be as valid and binding on the principal or his estate as if the principal were known alive and competent. If the exercise of the power of attorney requires the execution of a recordable instrument, the power of attorney must be executed with the same formalities as required of the instrument itself. There is an additional provision in this bill that prohibits homestead property from being conveyed under its provisions unless the principal has been missing in action for over one year.

Senate Bill No. 157 (Chapter 70-274) provides a method by which condominium owners can cancel their initial maintenance, management or operation contracts. In addition the new law requires complete disclosure of certain information relating to the condominium facilities and operations. Failure on the part of the seller to make full disclosure as required by this law entitles the buyer prior to closing to rescind the contract for sale. Contract deposits or advances are required to be segregated from the funds of the seller and may not be used by the seller until such time as construction commences. A developer who misuses deposit funds may be guilty of embezzlement.

Senate Bill No. 158 (Chapter 70-135) has the same effect as to cooperative apartments as Senate Bill No. 157 has as to condominiums.

Mobile home owners will now have thirty days to move their trailers after the expiration of their tenancy. Senate Bill No. 601 (Chapter 70-360), which takes effect July 1, 1970, provides that in the case of a writ of possession to evict a mobile home owner for holding over after the expiration of his time, the writ shall not issue until thirty days after he is served. This new law also provides that if the tenancy is terminated in less than two years from its creation for reasons other than nonpayment of rent, any membership, entrance, initiation or other fees paid by the tenant must be prorated. The third major provision of this act prohibits landlords who require security deposits in excess of $100 from commingling deposits unless a surety bond is posted.

With the enactment of House Bill No. 153 (Chapter 70-12,Laws of Florida) a bankrupt may now at any time after one year has elapsed since he was discharged from his debts obtain a court order to cancel and discharge liens under judgments or obligations duly scheduled in the bankruptcy proceedings.

The weekly compensation rate for workmen's compensation has been increased by House Bill No. 3626 (Chapter 70-172). For additional information about this act see the section on Workmen's and Unemployment Compensation.

Domestic Relations:

An additional ground for divorce has been added by House Bill No. 511 (Chapter 70-43, Laws of Florida). It is now an additional ground for divorce that the parties have been voluntarily living continuously apart and separate for two years.

Courts and Civil Procedure:

The personal jurisdiction of the courts of the state has been extended by Senate Bill No. 255 (Chapter 70-90, Laws of Florida). This new law permits service of process on

nonresidents who commit wrongful acts outside the state which cause injury, loss, or damage to persons or property within the state. While this act provides that the nonresident must expect or should reasonably expect his act to have consequences in Florida or elsewhere, and he must derive substantial revenue from interstate or international commerce; if those criteria are met, service of process may be perfected in the same manner as though for a resident defendant. In addition to personal service, the bill also extends constructive service to nonresidents who operate aircraft in the state.

Section 11.111, Florida Statutes, provided that a court must grant a continuance of its proceedings during sessions of the Legislature where a legislator was counsel for one of the parties. House Bill No. 346 (Chapter 70-28, Laws of Florida) amended this section to provide also a continuance in the event a legislator is a witness or party in the action. In addition, the scope of the section was extended to include committee work days.

Senate Bill No. 1368 (Chapter 70-275) has been enacted to authorize investigators employed by state attorneys to serve warrants, subpoenas and court orders issued in criminal cases or investigations. In addition, the bill authorizes the investigators to carry weapons.

A very important act relating to juries will take effect July 1, 1970. Senate Bill No. 291 (Chapter 70-138) removes all statutory exemptions from jury duty except those for practicing attorneys. The statutory disqualifications of Section 40.07 are, however, still applicable.

Court clerks in the state will now be able to charge fees that are more commensurate with their costs of furnishing the services. Committee Substitute for Senate Bill No. 70 has updated the filing and other service charges by court clerks to bring them in line with the present economy. In addition, this new law provides that the circuit court clerk shall be the clerk and accountant of the board of county commissioners and is to

keep their minutes and accounts. The law also requires the clerk to serve both the criminal and civil court of record and requires that all statements of domicile must be signed under oath before an official and filed with the clerk.

While the service charges of the clerks have been increased, the Legislature also increased their responsibilities. Section 43.17, Florida Statutes, was amended by House Bill No. 468 (Chapter 70-31, Laws of Florida) to require that if funds in the custody of a court are held for more than thirty days they must be deposited by the clerk of the court in an interest-bearing bank account and the interest received is to accrue to the general fund of the county.

Petitioners in eminent domain proceedings are in certain instances required to deposit an amount equal to their appraisal of the property with the court. Senate Bill No. 115 (Chapter 70-365) amends subsection 74.051(3), Florida Statutes, to require the court clerks to deposit those funds in interest-bearing bank accounts with the interest earned credited to the petitioner.

COMMERCE, REGULATED BUSINESSES AND OCCUPATIONS AND CONSUMER PROTECTION

Consumer Protection:

Through a series of new laws the 1970 Legislature took positive steps to provide greater protection for the consuming public. These laws regulate consumer protection organizations and provide safeguards to the public in purchasing goods and services, and in obtaining loans.

Senate Bill No. 839, Chapter 70-416, requires consumer protection organizations to register with the Department of State prior to solicitation of funds, to pay the registration fee and to file an annual financial statement. Failure to do so is a misdemeanor.

Senate Bill No. 1074, Chapter 70-437, authorizes the Commissioner of Agriculture to apply for injunction to the Circuit Court to restrain any person from committing acts in violation of Chapter 526, Florida Statutes, governing the sale of fuel oils.

Senate Bill No. 1110, Chapter 70-363, defines a "home solicitation sale" as an installment credit sale in excess of $25, made at a place other than the seller's fixed business establishment. Under the Act, the buyer is permitted to cancel a signed purchase agreement by written notice given any time prior to midnight of the third business day after signing the agreement. The seller is required to return payment and trade-ins within ten days of cancellation and the buyer is given a lien on goods in his possession for non-recovery to which he is entitled. The buyer is required upon demand of the seller to return goods within 40 days of cancellation and to use reasonable care in protecting the goods while they are in his possession.

Senate Bill No. 326, Chapter 70-352, makes it unlawful for any financial institution, retail merchant or other person to mail or otherwise deliver any credit card unless requested, applied for, or as replacement for a card previously issued. After the effective date of this Act, a credit card bearer is exempt from liability for the unauthorized use of any credit card issued on an unsolicited basis.

Under Senate Bill No. 1372, Chapter 70-164, an offeree is authorized to make written acceptance of any item advertised as "free" without assuming any obligation other than the cost of delivery. The Attorney General or the Commissioner of Agriculture and Consumer Services may institute a suit in behalf of the people of the State for injunctive relief from practices in violation of the law.

Committee Substitute for Senate Bill No. 393, Chapter 70-111, creates the Bureau of Electronic Repair Dealer Registration under the supervision and control of the Department of Business Regulation. A service dealer is required to register annually with the Department and pay a registration fee of not less than $25 nor more than $50 for each place of business. A late fee is to be an amount equal to 50% of the renewal fee in effect on the last preceeding regular renewal date.

House Bill No. 4398, Chapter 70-331, amends the Florida usury law, by requiring that the rate of interest on any loan shall be determined or computed in accordance with agreed terms. If a loan is paid or collected by court action prior to maturity, the collection of interest shall be spread over the period of the loan.

Senate Bill No. 374, Chapter 70-374, makes it unlawful to introduce into commerce, deliver, misbrand, receive, guarantee falsely or pack in a used container any substance defined in the Act as being hazardous. The Act is to be administered by the Department of Health and Rehabilitative Services and any failure to permit inspection is unlawful. Provisions are made for enjoining unlawful activities and for embargo and seizure of hazardous substances. Violation of the Act is a misdemeanor.

Senate Bill No. 607, Chapter 70-149, amends the Home Improvement Sales and Finance Act by adding a requirement that a security interest be retained in real property before the Home Improvement Act is applicable. The Comptroller's application-investigation time is extended from 30 to 60 days from the date the application is received, and time for a cancellation of contract by either party is increased from 48 to 72 hours. Minimum default grace period is decreased from 20 to 10 days.

In addition to examination and investigation of the licensee, the administrator may now investigate any other person engaged in the home improvement business. Another law, Senate Bill No. 608, Chapter 70-394, changes the expiration date of retail installment sales licenses from July 1 of each year to June 30.

Senate Bill No. 840, Chapter 70-151, requires an auctioneer or his agent to place on each item offered at an auction, a tag showing the value attributed to the item at time of offering. The tag is to remain fixed to the item when delivered to the buyer. Agricultural commodities, livestock, agricultural equipment, automobiles and auctions held as a result of court action are exempt from the Act.

Real Estate and Construction:

The 1970 Legislature made numerous changes in real estate and construction laws. Major areas affected include rights of women in property ownership, conveyances of property, liens and quieting of title, new construction, home improvements and requirements for condominiums.

With adoption of the 1968 Constitution, married women were given the same property rights as men. Article X, Section 5, states that there shall be no distinction between married women and married men in the holding, control, disposition, or encumbering of their property, both real and personal. House Bill No. 1562 Chapter 70-4, Laws of Florida, implements that language to bring the statutory law of the state into conformity with the new Constitution.

Prior to the enactment of Senate Bill No. 175, Chapter 70-45, Laws of Florida, both husband and wife had to join in the conveyance of homestead property. This new law, specifically authorized by the new Constitution, allows a guardian of property, upon proper court order, to convey or release any right or interest in homestead property.

With the enactment of House Bill No. 2317, Chapter 70-301, a limited partnership may now in its own name acquire and convey any estate in real property.

Another new law dealing with the Uniform Commercial Code is House Bill No. 1198, Chapter 70-288, which amends Section 676.6-104(1)(c), Florida Statutes, to provide that the place of filing the required list of creditors and schedule of property transferred in bulk transfers shall be the office of the clerk of the circuit court of the county where the transferor had his principal place of business. Section 676.6-107(3), Florida Statutes, was also amended to provide that in counties over 200,000 population, notice of the transfer shall be mailed or delivered to the list of creditors and published.

A limitation on property rights was enacted in the form of House Bill No. 1128, Chapter 70-100, which provides that if a right of entry or easement conveyed or reserved for the purpose of mining, drilling, exploring or developing is not exercised for twenty years, the owner of the property may bring suit to clear the right of entry or easement from the title to the property.

While the Uniform Commercial Code provides that other laws inconsistent or in conflict with it shall yield to its provisions, Senate Bill No. 136, Chapter 70-34, Laws of Florida, was enacted to clear up a possible ambiguity in the law of personal property. This act amends subsection 697.04(1), Florida Statutes, which authorized a mortgage to secure future advances. By removing personal property, livestock and crops from the provisions of subsection 697.04(1), Senate Bill No. 136 leaves transactions concerning these forms of property to be controlled by the Uniform Commercial Code.

Committee Substitute for Senate Bill 607, Chapter 70-149, limits jurisdiction of the home improvement act to home improvement contracts where security interest is retained in the property. The investigation time is increased from 30 to 60 days and cancellation of contract time is changed from 48 to 72 hours. The default grace period is reduced from 20 to 10 days. Restrictions on the amount of hazard insurance required on home improvement contracts and the finance charge on balloon notes are eliminated.

The Florida lien law was amended by House Bill No. 4765, Chapter 70-340, which creates a misdemeanor penalty for removing personal property upon which a lien for labor or services has accrued. This bill also makes it prima facie evidence of intent to defraud, to stop payment on a check given in order to secure the removal of property upon which a lien has accrued. This portion of the bill is significant because the possessory right and lien of the person performing labor or services is lost by the removal of that property upon which the lien has accrued.

Quiet title actions have been modified by two laws. With the passage of House Bill No. 559, Chapter 70-278, the court in an action to quiet title need no longer appoint a guardian ad litem unless it affirmatively appears that the interest of minors, persons of unsound mind, or convicts are involved.

House Bill No. 4210, Chapter 70-326, amends Section 69.041, Florida Statutes, to authorize the state or any of its agencies to be named party in an action to quiet title to real property in which the state has an interest. In addition, this new law permits the naming of the state as a party in the foreclosure of a mortgage or other lien in which the state had an interest.

Several laws were passed pertaining to regulation of the building construction industry. House Bill No. 4435, Chapter 70-332, makes the Florida Electrical Code applicable to all new buildings and structures in the state except non-farm residential

buildings. The law permits city, county and state governmental bodies to adopt stricter minimum electrical standards, but such bodies are required to enforce the state Electrical Code standards, as well. Stricter standards are established for the construction of houses manufactured at off-site locations.

A significant revision to present law resulted from House Bill No. 850, Chapter 70-281. The Hotel and Restaurant Commission no longer has authority to approve plans, make inspections and issue construction licenses for apartment buildings. Senate Bill No. 417, Chapter 70-377, requires that safety glazing materials be used in all glass doors, bathtub and shower enclosures and at hazardous locations in all phases of construction. This requirement applies statewide to all new buildings and alterations or replacements.

Senate Bill No. 157, Chapter 70-274, provides a method by which condominium owners can cancel their initial maintenance, management or operation contracts. In addition, the new law requires complete disclosure of certain information relating to the condominium facilities and operations. Failure on the part of the seller to make full disclosure as required by this law entitles the buyer, prior to closing, to rescind the contract for sale. Contract deposits or advances are required to be segregated from the funds of the seller and may not be used by the seller until such time as construction commences. A developer who misuses deposit funds may be guilty of embezzlement. Senate Bill No. 158, Chapter 70-135, makes the same terms and conditions of Senate Bill No. 157 applicable to cooperative apartments.

House Bill No. 4333, Chapter 70-273, makes it lawful for condominiums to be created on land owned in fee simple or on land held under a 90-year lease.

House Bill No. 3384, Chapter 70-304, extends the requirement of paying a documentary stamp tax to include documents which grant a tenant-stockholder the right to occupy a cooperative apartment.

Under Senate Bill No. 923, Chapter 70-421, a real estate registrant's license may be revoked or suspended for misconduct in other states, as well as in Florida. Such revocation or suspension may be made for failure to deliver or account to other registrants for money, a share of a real estate commission, etc.

Senate Bill No. 601, Chapter 70-360, prohibits a landlord removing a mobile home or tenant within 30 days of process, except for nonpayment of rent.

Banks and Banking:

The 1970 Legislature made substantial changes in the Florida Banking Code. There were minor reductions in fees required of banks and trust companies, industrial savings banks and credit unions, and such institutions were granted broader authority to invest in bonds and securities. Other laws enacted give the banking commissioner added authority in the regulation of banks; make changes in certain definitions; establish minimum par value of bank stocks; and authorize savings and loan associations to maintain safety deposit facilities.

There are three new laws which change the fee schedules of lending institutions. The first, House Bill No. 4847, Chapter 70-263, relating to banks and trust companies, sets a semiannual flat fee of $250, plus a semiannual assessment of 5¢ per thousand dollars of total assets up to 50 million dollars and 3¢ per thousand dollars of total assets in excess of 50 million dollars. In addition, the fee for an application to organize a new bank is $1,000; to exercise trust powers in an existing bank, $250; and to acquire a majority interest in an existing bank, $250. Proceeds from fees and assessments are to be deposited in a trust fund for administration of the Act.

The second law, House Bill 4846, Chapter 70-262, requires each industrial savings bank to pay a semiannual fee of $250 plus a semiannual assessment of 5¢ per $1,000 of total assets up to 50 million dollars and 3¢ for each $1,000 in excess of 50 million

dollars. The fee for authority to organize a new bank is increased from $500 to $1,000, and a fee of $250 is added for authority to acquire a majority interest in an existing bank. All fees are to be deposited in a banking department trust fund.

Finally, Senate Bill No. 624, Chapter 70-216, reduces credit union examination fees from $50 to $45 for each additional $100,000, or fraction thereof, on assets ranging from one million to five million dollars and from $50 to $40 for each additional $100,000, or fraction thereof, on assets of five million dollars and over.

Banks and trust companies and industrial savings banks now have greater flexibility in making investments. Senate Bill No. 772, Chapter 70-411, establishes guidelines for banks making stock investments subject to limitations of the Banking Code; prohibits investment in certain securities unless debt payments are current and are rated among the top four investment grades; authorizes investment in incorporated companies, in bank service corporations and in one or more operating subsidiaries. Companies may invest up to 50% of the bank's capital and surplus in leasehold or direct ownership of real estate; up to 50% in corporations organized to deal with land on which the business is situated; and an additional 10% may be used to maintain or acquire banking property. Companies may invest up to 1% in stock of Florida development corporations and up to 2% in community corporations.

Senate Bill No. 771, Chapter 70-410, authorizes industrial savings banks to invest in obligations of agencies created by Congress; requires that tax anticipation certificates and city or county warrants must mature within a year to be eligible for investment; and that such bonds or securities must be rated in the four highest investment grades. The law increases the amount authorized for investment in small business investment companies from 1% to 2% of unimpaired capital and surplus; authorizes investment of up to 20% of unimpaired capital and surplus in subsidiary corporations; increases from 40% to 50% the amount authorized for real estate investment; and requires an additional 10% investment

to protect the value of real estate already held. A bank is authorized to invest up to 1% of unimpaired capital and surplus in Florida industrial development corporation stock and up to 2% in community welfare corporations.

Income and dividend reports are now required under Senate Bills 760, Chapter 70-406, and 761, Chapter 70-407, which authorize the banking commissioner to furnish the Federal Reserve Board copies of all state banking examinations and require all banks, trust companies and industrial savings banks to file reports of income and dividends at least once a year. Such reports are to be verified by authorized banking personnel.

The authority of a bank to operate a drive-in or walk-up facility was broadened by House Bill No. 3661, Chapter 70-130, which deleted reference to "drive-in or walk-up," but retained the more encompassing designation of "facility." The term "contiguous" is expanded to include property separated from the main banking house property by one or more walkways or alleyways.

The remaining new banking laws relate to par value of bank stocks and savings and loan association safety deposit facilities. Senate Bill No. 768, Chapter 70-409, and Senate Bill No. 767, Chapter 70-408, reduce the minimum par value of the stock of banks, trust companies and industrial savings banks from $10 to $5, and House Bill No. 1466, Chapter 70-295, changes the definition of "lessor" in Chapter 659, Florida Statutes, to permit building and loan associations and savings and loan associations to maintain and lease safety deposit facilities.

Corporations:

The 1970 Legislature made a number of changes in the requirements for incorporating and the operation of corporations. Senate Bill No. 306, Chapter 70-5, authorizes corporations, effective April 30, 1970, to enter into general or limited enterprises, joint ventures, syndicates, etc., to carry out the pur-

poses of their incorporation. Under Senate Bill No. 265, Chapter 70-24, there may be a corporate formation by one or more natural persons for the purpose of simplifying the statement of corporate powers permitted in the articles of incorporation. Corporate names may be reserved for a period of 120 days; a method of transfer of such a reservation is provided and provision is made for filing fees. Effective October 1, 1970.

Senate Bill No. 264, Chapter 70-23, sets up procedures for the restatement of a corporation's certificate of incorporation by integrating all provisions of the original certificate, together with all amendments, into one instrument. Effective October 1, 1970. Florida corporations are authorized, under Senate Bill No. 266, Chapter 70-9, to merge or consolidate with corporations of jurisdictions outside the United States. Effective August 4, 1970.

House Bill No. 4120, Chapter 70-185, changes the stock ownership requirements from 100% to 80% for includable corporations connected with a common Florida parent corporation to meet the eligibility test in the definition of an "affiliated group." In the case of consolidated returns, the intercompany accounts of the affiliated group, and the intangible personal property of the members of such group, are exempt from Florida taxes. However, any parent company holding a certificate of authority under Chapter 624, Part III, Florida Statutes, is not exempt.

Committee Substitute for Senate Bill No. 267, Chapter 70-137, provides that, unless prohibited by the bylaws of the corporation, the Board of Directors may designate one or more directors as alternate members of an executive committee to represent absent members or members disqualified from voting at any meeting. Where authorized in the certificate or bylaws, board members are deemed to be present at any meeting organized by a telephone conference or similar communication method.

House Bill No. 3365, Chapter 70-303, authorizes a corporation to establish procedures for entering into contracts with one or more of its officers or directors and to purchase liability insurance for such officials. It broadens the procedure for indemnification of directors, officers and agents for expenses incurred in defending suits on behalf of the corporation.

House Bill No. 3612, Chapter 70-14, authorizes the board of trustees of an electric cooperative to execute mortgages and pledges to secure an indebtedness to the United States or to any financing institution in which the cooperative holds membership and which was organized on a cooperative plan for the purpose of financing members' programs, projects or undertakings. Effective October 1, 1970.

A final measure, House Bill No. 3514, Chapter 70-305, eliminates the restriction against simultaneously holding an elective public office and being an officer, shareholder, agent or employee of a professional service corporation.

Racing and Pari-Mutuel Industry:

Three laws were passed affecting operating dates of harness racing and jai alai frontons. Under House Bill No. 3722, Chapter 70-310, harness tracks are required to conclude their racing by June 1 of each year (racing begins October 1). Senate Bill 1178, Chapter 70-226, authorizes harness racing in the Dade-Broward area and the lease of existing tracks for quarter horse races. These races may be conducted at any time during the year, with each permit holder limited to 120 days of racing and they are subject to a daily license fee in lieu of pari-mutuel taxes. Horses participating in races must be registered by the American Quarter Horse Association and must be examined and declared fit.

A final measure, Senate Bill No. 1385, Chapter 70-447, extends the time for completing a jai alai fronton to 24 months.

Animal Exhibitions:

Senate Bill No. 1111, Chapter 70- , relating to horse exhibitions, makes it unlawful for any person to exhibit a horse which is sored and gives the Department of Agriculture authority to make inspections. The law requires a person in charge of an exhibition to keep certain records and makes it unlawful to administer drugs to any horse at the time of a public horse show or sale; prohibits possession, except by a veterinarian, of any hypodermic needle with intent to inject a horse. A first violation of these prohibitions is a misdemeanor and upon a second offense a violator may be found guilty of a felony, punishable by a fine of not more than $1,000, by imprisonment for not more than si months, or both. This bill was vetoed by the Governor on July 7, 19

Two other measures were enacted pertaining to exhibitions. The first, House Bill No. 4756, Chapter 70-50, relating to prohibited exhibitions of a fight between man and animal, excludes rodeos, simulated or bloodless bullfights, trained animal acts or similar events in which neither man nor animal is intentionally killed, mutilated, maimed or injured. The second law, House Bill No. 1334, Chapter 70-293, adds the "Knights of Columbus" to the list of organizations permitted to hold boxing exhibitions.

Mobile Home Dealers:

Senate Bill No. 428, Chapter 70-215, requires a supplemental license for additional places of business, not to exceed four licenses per surety bond or financial statement. The licensee is required to keep the title for each mobile home in his possession.

Alcoholic Beverages:

Senate Bill No. 1163, Chapter 70-225, limits the tax rate accorded beverages manufactured in Florida, from "Florida-

grown products" to such beverages manufactured exclusively from Florida-grown products and bottled by a distiller or bottler whose operations are exclusively in Florida. The tax on Florida-made spirituous beverages is doubled. Beverages containing 14% to 48% alcohol by weight are increased from 47.4¢ to 94.8¢ per gallon and those containing more than 48% alcohol are raised from 93.8¢ to $1.876 per gallon.

House Bill No. 5276, Chapter 70-346, authorizes beverage officers and county and municipal police officers, to work in a licensed beverage establishment in which the alcoholic content of beverages sold does not exceed 28% and requires such an officer to be paid not less than the established prevailing wage.

Nursing Homes:

Two laws were passed providing stricter regulation of nursing homes. The first, Senate Bill 984, Chapter 70-428, provides for the Board of Examiners to examine, license and register nursing home administrators; delineates its powers and duties and procedures therefor, separate from the Division of Health. The second law, Senate Bill No. 996, Chapter 70-361, establishes comprehensive standards for the health, care and treatment of patients in nursing homes and related health care facilities. Requires an annual license fee of $1 per bed, the minimum fee being $25 and the maximum $75. Provision is made for application, revocation, penalties for violation of the act, and administrative remedies, including closing of homes and transfer of residents. Rebates are prohibited.

House Bill No. 1934, Chapter 70-298, includes convalescent sitters agencies under licensing requirements for private employment agencies. Agents of such sitters agencies are not required to be licensed, but the agency is required to pay an annual license fee of $100.

Physicians and Hospitals:

With the enactment of Senate Bill 688, Chapter 70-92, the state has relaxed its position on qualifications for medical licenses. The applicant need no longer be a citizen of the United States to receive a license so long as he delcares intention to become a citizen and has been a resident of the United States for a minimum of one year.

The state will take a greater interest in the causes of death in certain circumstances under the provisions of Committee Substitute for House Bill 2170, Chapter 70-232. An eleven member appointed medical examiners commission within the Department of Health and Rehabilitative Services will have the responsibility to probe the cause of death in any one of fourteen enumerated circumstances.

The psychiatric inpatient unit of the University of Florida Health Center has been aided by Senate Bill 779, Chapter 70-412, an act to authorize the unit to charge persons able to pay for all or part of the cost of their treatment.

Another new law dealing with physicians is Senate Bill 1020, Chapter 70-432. This bill amended Chapters 393 and 394, Florida Statutes, to change the requirement for physicians to practice in regional community centers for mentally retarded, children's psychiatric centers, and with respect to commitments to state psychiatric centers. The requirement to practice in these institutions has been changed from graduation from a recognized medical school to a requirement of license to practice.

With regard to the licensing of osteopathic physicians and surgeons, the Legislature passed House Bill 4280, Chapter 70-330. This bill amended Chapter 459, Florida Statutes, to increase the requisite education of osteopaths, to require the American Osteopathic Association to approve resident interns, to increase certain license fees, to increase examination fees, to broaden the grounds for refusal, revocation or suspension of a license, to increase the penalties for practicing without a license and to stiffen the requirements for renewing licenses.

Pharmacists:

The licensing of pharmacists has been effected by Committee Substitute for House Bill 3719, Chapter 70-236, which made it permissible to license pharmacists educated in colleges or schools outside the United States so long as the institution meets certain criteria. In addition, the state may now license pharmacists who are awaiting disposition of their naturalization applications. The bill also provides for the State Board of Pharmacy to appoint a committee to approve all continuing education courses and it removes the 65 year age exemption from continuing education courses.

Psychologists:

The practice of psychology, previously regulated by Chapter 490, Florida Statutes, will now be regulated by a new chapter. House Bill 1397, Chapter 70-294, repealed Chapter 490, Florida Statutes, and reenacted the provisions regulating the practice of psychology giving them more precise definitions and expressly limiting the provisions to exclude other licensed professions not representing themselves as practicing psychology. The bill makes a number of changes in the Florida psychological practices act which add more certainty to the law and eliminates confusion of terms.

Barbers:

Relating to the renewal of barber and barber shop licenses, House Bill 2178, Chapter 70-104, changed the date for annual renewal of certificates, provided two additional grounds for revocation or refusal to grant certificates, and increased from two to ten dollars the fee for renewal of barber shop registration certificates.

Cosmetologists:

Students of the Florida School for the Deaf and the Blind are no longer required to take a written or oral examination of cosmetology theory in order to receive a certificate of registration as a cosmetologist. Senate Bill 603, Chapter 70-393, was enacted to permit waiver of those written or oral examinations upon certification to the Board of Cosmetology by the chief executive officer of the school that the student has demonstrated competence and proficiency in cosmetology theory.

Architects:

Architects need no longer file their certificates of registration with the Secretary of State's Office. House Bill 3847, Chapter 70-314, deletes the recording requirement and its accompanying fee of ten dollars from the present law.

Miscellaneous:

Two measures were enacted providing stricter regulation of junk dealers. Senate Bill No. 327, Chapter 70-91, increases the penalty for buying, receiving or aiding in the concealment of stolen money, goods or property, to include a fine not exceeding $500 and imprisonment not exceeding five years. Junk dealers are required to keep records of all articles purchased or sold; failure to do so is punishable by imprisonment in the county jail by not more than one year or by fine not exceeding $500, or both. The Act is not applicable to charitable sales conducted by reputable service organizations or to private sales by individuals. The second law, Senate Bill No. 441, Chapter 70-379, extends the record-keeping requirements of junk dealers handling copper wire, to include copper, brass and bronze pipe, piping and tubing.

Senate Bill No. 1422, Chapter 70-448, exempts a private employment agency, serving at the request of a state authority, from the prohibition against the offering or accepting of material benefits because of favorable action pertaining to a position in a classified service.

Senate Bill No. 673, Chapter 70-217, requires the Division of Hotels and Restaurants of the Department of Business Regulation to furnish the appropriate tax collector the room count of each hotel and lodging establishment and the seat count for each restaurant or eating establishment, no later than August 31 of each year, for use by the tax collector when issuing occupational licenses and House Bill No. 1288, Chapter 70-291, prohibits discriminatory refusal of lodging in a public lodging establishment or the service of food in a public food service establishment because of race, creed, color or national origin.

Several laws related to petroleum products and dealers. Senate Bill No. 235 (Chapter 70-35) amended Section 527.02, **Florida Statutes**, to increase the amounts of the fees required to be paid to the Department of Insurance by persons engaging in the following businesses: dealers in liquefied petroleum gas, manufacturers of appliances and equipment for the use of such gas, dealers in appliances for use with such gas and installers of apparatus, piping and tubing, etc., and dealers in liquefied petroleum gas and in appliances and equipment for use of such gas. Chapter 526, Florida Statutes, was amended to authorize temporary or permanent injunctions against violations of the fuel oil law and to provide additional means of dealing with violators by Senate Bill No. 1074 (Chapter 70-437). House Bill No. 3553 (Chapter 70-77) amends Section 526.01, Florida Statutes, relating to the sale of liquid fuels, lubricating oils and greases to include lubricating oil and grease within the fraud and deception provisions. Requires labeling of "re-refined" products. Provides for stop-sale and makes violation a misdemeanor.

CONSERVATION, PUBLIC LANDS AND POLLUTION

Beach and Shore Protecton:

Measures which are designed to protect and restore Florida's eroding beaches, and which have been under consideration for several years, were enacted by the 1970 session. After October 1, 1970 the governing body of any coastal local government may request the Trustees of the Internal Improvement Trust Fund to establish an "erosion control line" in connection with an authorized beach nourishment, replenishment or erosion control project to which the owners of a majority of the effected shoreline have consented. Such a control line, when established, will fix the property line between the sovereignty submerged lands and the private upland, and the common law which provides that this line fluctuates with changes in the mean high water line will cease to operate. Provision is made for the establishment of such a line by survey, appeals by aggrieved parties, the preservation of riparian rights, and for the voiding of the erosion control line in the event that the beach nourishment project is not commenced, is abandoned or is not maintained (CS for CS for HB 155, Ch. 70-368).

The erection of structures too close to the water will be restricted by an act which provides for a construction setback line of 50 feet from the mean high water line. Provision is made for the granting of variances by the Department of Natural Resources under specific circumstances, generally in instances where such a variance would not cause or result in beach erosion, Structrues created in violation of the act are declared to be a nuisance subject to removal at the expense of the upland owner. Violations are also punishable by a fine of not less than $500 nor more than $1000 per month. The act applies only to portions of the coast which front on the Atlantic Ocean or Gulf of Mexico, does not apply

to vegetation type non-sandy shores, and the Department may by regulation exempt other specifically described areas which are not subject to substantial erosion (CS for CS for HB 634, Ch. 70-231). Of local interest is a similar act providing a 600 foot setback line on Honeymoon Island in Pinellas County (HB 5406, Ch. 70-903).

A coastal coordinating council was created within the Department of Natural Resources consisting of the executive director, as well as the executive director of the Trustees of the Internal Improvemnt Trust Fund and the Department of Air and Water Pollution Control. The council is to conduct and coordinate a continuing program of research into problems relating to the coastline of the state (HB 4604, Ch. 70-259).

Submerged Lands:

A number of measures relating to the administration of submerged lands were passed including the proposal of a constitutional amendment which would permit the sale of sovereignty submerged land only when in the public interest. It would continue to permit the private use of portions thereof when authorized by law and when not contrary to the public interest (HJR 792).

The Board of Trustees of the Internal Improvement Trust Fund was authorized to acquire by condemnation such submerged lands as are in the public interest and for a public purpose. The Trustees would also be a necessary party to any action seeking to acquire submerged lands by condemnation (SB 522, Ch. 70-358).

Sovereignty submerged lands in navigable meandered fresh water lakes are now to be administered as a separate class of sub merged lands. This change was prompted largely by the passage o Chapter 69-308, Laws of Florida, which subjected such lands to th application of the "Randell Act" requiring ecological studies pur suant to sale, bulkheading, dredging and filling of submerged lan

The new act provides for the rights of the state and the upland owner in accordance with a boundary line to be established according to detailed specifications. The riparian owner is granted the right of temporary use in lands between such a line and the water line and also may clear aquatic vegetation to the extent necessary to engage in boating, swimming and similar activities, and fill to combat erosion under a permit to be issued by the Trustees of the Internal Improvement Trust Fund (CS for HB 3481, Ch. 70-97).

Beginning October 1, 1970 persons owning or controlling dredge or fill equipment will be required to obtain a certificate of registration from the Department of Natural Resources to authorize the use of such equipment. Filling of submerged lands for which a permit is required under sections 253.123 and 253.124, Florida Statutes, without such a certificate will be a misdemeanor. The certificate must be kept on the equipment and certified persons must maintain an official log of their activities (SB 1232, Ch. 70-442).

The granting of "after the fact" dredge and fill permits is now specifically prohibited unless the Trustees find that the exercise of any other remedy or penalty would be more damaging to the environment or marine resources (SB 591, Ch. 70-116).

Provision was also made that no state agency or other public body may construct islands or extend or drain existing lands without the consent of the riparian upland owner, as defined. Exceptions are made for the exercise of eminent domain and the implementation of certain beach erosion control projects (SB 518, Ch. 70-147).

The restrictions on the dredging of material from navigable waters lying channelward of bulkhead lines was extended to apply to such waters landward of bulkhead lines, as well. The effect will be to require an ecological study for all dredging channelward of bulkhead lines, with the exception of activities relating to navigation, drainage and water control facilities, and the laying of pipelines and cables (HB 1136, Ch. 70-167). As to these exceptions the ecological study may be waived by the affirmative vote of at least five of the seven Trustees (HB 1142, Ch. 70-118).

It will now be specifically provided that the required ecological and biological studies be read into the record at public

hearings pursuant to the consideration of applications for the purchase of submerged lands, the locating of bulkhead lines or the granting of a dredge and fill permit (SB 371, Ch. 70-81).

It was also specifically provided that all actions on applications for dredge and fill permits taken pursuant to the provision of any special act shall be subject to the approval of the Trustees, notwithstanding contrary provisions of such an act (SB 383, Ch. 70-3

Riparian upland owners on navigable waters desiring to repair or replace coastal protection structures (seawalls, etc.) or to restore upland lost by avulsion or artifically induced erosion, are required to obtain a permit from the board of county commissioners, which permit shall be subject to approval by the Trustees of the Internal Improvement Trust Fund (HB 4547, Ch. 70-333).

The time within which local governing bodies have to initiate proceedings on an application to fix a bulkhead line before the applicant is entitled to take his application to the Trustees was increased from 60 to 90 days (HB 1140, Ch. 70-13). Of local application, but general interest, was a concurrent resolution urging the Army Corps of Engineers to deny a permit for the development of submerged lands at Honeymoon Island in Pinellas County (HCR 5128).

Pollution Control:

Comprehensive regulatory legislation directed at the problem of controlling oil spills and other pollutants associated with seagoing vessels and transfers between such vessels and terminal facilities was enacted as "The Oil Spill Prevention and Pollution Control Act." The discharge of oil and similar pollutants into or upon tida waters and coastal lands is prohibited, and penalties of up to $50,0 a day are provided. The Department of Natural Resources is given the authority to enforce the act together with the cooperation of the Department of Air and Water Pollution Control. The act provides for the licensing of "terminal facilities" which generally include waterfront facilities used for drilling, pumping, storing, transferring, processing or refining oil or other pollutants. Such licenses are to be issued upon evidence that the applicant is complying with oil pollution control regulations. The Department of Natural Resources is to establish eleven regional control districts, one for each of the deep water ports of the state. The state and

each such district is to have a properly equipped response team capable of handling emergency cleanup operations. The Department is also required to establish comprehensive regulations regarding all areas of oil transfer, and handling the maintenance of equipment used in conducting such activities. Violators are required to immediately undertake to remove any prohibited discharge, although such undertaking does not constitute an admission of liability. The act establishes a Florida coastal protection fund to be used by the Department for the purposes of the act, and to be made up of fees and penalties collected pursuant thereto. The Governor is given the power to act by emergency proclamation in the case of certain disastrous oil pollution. Terminal facilities and the vessels which use them are required to evidence financial responsibility by insurance, surety bond or otherwise (CS for SB 450, Ch. 70-244).

The construction of an ocean outfall or disposal well for sanitary sewage disposal will not be approved unless it provides secondary treatment and such advanced treatment as may be ordered by the Department of Air and Water Pollution Control. Existing units are required to meet such standards by January 1974 (CS for SB 407, Ch. 70-82).

The Florida Water Pollution Control and Sewage Treatment Plant Grant Act of 1970 was enacted to provide for state grants to local governmental agencies for the construction or reconstruction of sewage treatment facilities. Grants are to be administered by the Florida Air and Water Pollution Control Board out of a special fund created by the act. Grants are to be made only to projects which are eligible for federal grants, and which meet approved specifications. The local government must agree to provide that part of the cost which exceeds applicable state and federal grants, and the state grant may be no more than 25% of the portion of cost that is eligible for a federal grant. After July 1, 1971 no state grants will be made except to local governments who have adopted a long-range plan for the control of water pollution. Provision is also made for the administration of planning grants, and the approval on the state level of local plants (HB 3854, Ch. 70-251).

The issuance of state bonds to finance the construction of air and water pollution and abatement and solid waste disposal facilities will be authorized if CS for HJR 3853 and 4040 is appr as an amendment to the State Constitution in November. (See CONS TUTIONAL AMENDMENTS summary). This amendment, if adopted, will b implemented by an act authorizing the Division of Bond Finance of the Department of General Services to issue up to $100,000,000 of such bonds in a fiscal year. Facilities to be constructed are to be approved by the Department of Air and Water Pollution Control, and may be constructed, maintained and operated by the Department or by a unit of local government (CS for HB 4523, Ch. 70- 270).

The civil penalty for pollution of the air or waters of th state, or for failure to comply with an order of the Department o Air and Water Pollution Control was increased from $1,000 to $5,0 Such violations are no longer designated misdemeanors, but failur to pay a fine is now evidence of intent to continue in violation enables the court to order the offender to cease operations in th state (SB 300, Ch. 70- 356).

The Department was given the authority to promulgate a tab of values for individual categories of fish to be used in assessi the value of fish killed by pollution (SB 378, Ch. 70- 141).

Flexibility was granted to the enforcement capability of t Department by a bill which allows the issuance of a citation orde corrective action, as to pollution violations of a noncontinuing nature, without an administrative hearing in advance. If correct action is not commenced within 24 hours the case is to be referre to the prosecuting attorney (SB 588, Ch, 70- 114). Enforcement capability was further enhanced by an act which adds as an additional ground for injunctive relief a finding by the director of the Department that a generalized condition of air or water pollu exists which requires immediate action to protect property or pla and aquatic life (SB 302, Ch. 70-139).

The Department was directed to conduct a comprehensive sur vey to determine the extent and nature of the litter problem in Florida. Cooperation is to be solicited from specified state age cies as well as interested industries and civic groups, and a rep

s to be made to the Legislature prior to the 1971 session (SB 1098, Ch. 70- 154).

Game and Fresh Water Fish:

The protection of the Florida alligator was approached from three different angles. Poaching was made a felony punishable by up to five years imprisonment and provision was made for the confiscation and disposal of equipment, including weapons, vehicles and boats, used by violators (SB 167, Ch. 70-1). Enforcement capability was enhanced by the passage of a bill which makes the use of a light at night in alligator areas, together with the possession of firearms, spear guns, gigs or harpoons, prima facie evidence of intent to violate alligator protection laws (SB 169, Ch. 70-2). Beginning July 1, 1971 the sale of alligator products (eg. handbags, shoes, etc.) will be prohibited in Florida (SB 166, Ch. 70-13). The cumulative effect of these three measures should be to remove the incentive from alligator poaching.

With respect to other animal life, it was made a misdemeanor to import for sale or release any species of the animal kingdom not native to Florida without a permit from the Game and Fresh Water Fish Commission (SB 482, Ch. 70- 145). It was also made a misdemeanor to possess or transport black bass, bream, speckled perch, or other fresh water game fish in commercial quantities (more than 150 pounds). The seizure of devices and vehicles or vessels, other than common carriers, used in violation of the act is also provided for, and the same is to be forfeited to the state upon conviction (SB 457, Ch. 70- 380).

The "cane pole" fishing bill was enacted to provide all persons over 15 years of age and not more than 65 years of age must have a license in order to fish in the state, unless they are on welfare (CS for HB 1269, Ch. 70-26). Previously, any person could fish in his home county, with a "cane pole" even though not having a fishing license.

The Game and Fresh Water Fish Commission was authorized to adopt and enforce regulations to protect, manage and control lands

which are under the control of the Commission for fish or wildlife management purposes, provided that such regulations are approved by local boards of county commissioners. Violations are punishable as misdemeanors (SB 564, Ch. 70-40). After October 1, 1970 the Commission will no longer be authorized to lease portions of the J. W. Corbett Wildlife Management Area in Palm Beach County (HB 1967, Ch. 70-60).

Salt Water Life and Salt Water Fishing:

With respect to the protection of certain species, several measures were passed. Penalties were increased for the possession or injuring of marine turtles and the prohibition was extended to include selling and harrassing of such turtles. The law relating to the protection of marine turtles was otherwise made more specific and was broadened to make it unlawful to import or deal in young sea turtles of any kind (SB 479, Ch. 70-357). It is now unlawful and punishable as a misdemeanor to intentionally destroy a manta ray (SB 436, Ch. 70-48). The size of pompano which may be legally possessed was reduced from 10 to 9 1/2 inches, and the possession of an undersize fluke or flounder is not unlawful if received in interstate commerce or if caught outside the territorial waters of the state (HB 1271, Ch. 70-96).

Three bills were enacted with regard to the regulation of crawfishing. It is now unlawful to molest any crawfish traps, lines or buoys without the permission of the permit holder (SB 161, Ch. 70-369). Possession of more than 24 crawfish by a person other than a permit holder or licensed seafood dealer is now a misdemeanor (SB 1364, Ch. 70-162). This same act requires that the color of crawfish trap buoys be displayed on the boat used for setting and collecting such traps in such a manner as to be identifiable from the air. A $50 fee is imposed for trap permit numbers and the proceeds are earmarked for enforcement including aerial surveillance. The requirement that trap buoys remain continuously afloat was modified to allow for those buoys which are intentionally submerged by a timed float release device (SB 329, Ch. 70-140).

Two bills relating to shrimp were enacted. The prohibition against catching or possessing small shrimp or prawn was extended to include those shrimp outside the territorial waters of the state (HB 5176, Ch. 70-394). The Tortugas Shrimp Bed was redescribed by a bill which also removed the authority of the Division of Marine Resources to open and close such area for shrimping. The bill provides that no shrimping, other than live bait production, shall be permitted at any time. The bill also deleted the provision that the section shall not apply to foreign vessels or any vessel not flying the American flag (SB 1370, Ch. 70-163).

Recreation and Parks:

The "State Wilderness System Act" will take effect on January 1, 1971. Under this act the Trustees of the Internal Improvement Trust Fund may, by resolution, establish wilderness areas to be available for public use for such activities as hiking, bathing, fishing, camping and in general the study, enjoyment and preservation of nature. For this purpose the Trustees are authorized to acquire title to lands by any lawful means other than through eminent domain. An inter-agency advisory committee will assist the Trustees in the selection of wilderness areas and local governments are directed to review their land holdings and recommend to the Trustees any property suitable for inclusion in the system. The Trustees are to give priority to the preservation of wilderness areas in close proximity to urban or rapidly developing areas. Provision is made for the minimum alteration and development of wilderness areas consistent with the public use envisioned (CS for SB 442, Ch. 70-355).

The Trustees of the Internal Improvement Trust Fund were authorized to convey lands to the United States for the establishment of Biscayne National Monument, and their actions in this regard

were ratified and confirmed. The conveyance shall become absolute upon notification from the United States government to the Trustees that all private lands intended to be acquired for the Monument have been acquired (SB 1186, Ch. 70-364).

The Department of Natural Resources was urged to proceed with negotiations for the purchase of 17,200 acres of "Paynes Prarie" near Gainesville utilizing moneys available in the Outdoor Recreational Trust Fund (SCR 1371).

Law Enforcement:

The law enforcement capability of officers connected with the area of conservation was extended in several areas. Wildlife officers of the Game and Fresh Water Fish Commission were constituted as peace officers with the power to make arrests for violations of the laws of the state when committed in the presence of the officer or on lands managed by the Commission, and to enforce all rules and regulations of the Commission relating to wild animal life and fresh water aquatic life (SB 755, Ch. 70-404). Such officer were also authorized to obtain a search warrant to search any private dwelling being used for the unlawful sale or purchase of wildlife or fresh water fish being unlawfully kept therein (SB 481, Ch. 70-383

Officers of both the Game and Fresh Water Fish Commission and the Department of Natural Resources were authorized to make arrests for violations of deer and alligator protection laws by a person in a vehicle, upon the basis of information relayed to them by a fellow law enforcement officer stationed on the ground or in the air. This is an extension of the "spy-in-the-sky" law enacted for Highway Patrol officers a few years ago (SB 618, Ch. 70- 396). Officers of both departments were also given the responsibility of seeing that lands held by the Trustees of the Internal Improvement Trust Fund are not damaged or otherwise unlawfully used (SB 447, Ch. 70-117). Conservation officers of the Department of Natural Resources were specifically granted the authority to arrest for violations of Chapter 253, Florida Statutes, (generally relating to submerged lands, oil and mineral leases and the administration of lands by the Trustees), as well as for violations of rules and

regulations promulgated under said Chapter (SB 438, Ch. 70-378).

The Governor and Cabinet were authorized to designate as police officers a sufficient number of park officers, under the director of the Division of Recreation and Parks, as may be necessary, who are authorized to bear arms and make arrests without warrant for the violation of state laws committed in their presence upon lands under the jurisdiction of the Division. Such officers shall have the powers of search and seizure and shall meet the requirements of the Police Standards Council (HB 3371, Ch. 70-106).

Aquatic Plant Control:

The Department of Natural Resources was vested with the authority to direct and coordinate the control, eradication, and regulation of noxious aquatic weeds and research related thereto, provided that the Department may delegate all or part of such functions to the Game and Fresh Water Fish Commission. The Department is authorized to contract for research and to construct and acquire facilities and equipment. Provision is made for the matching of funds to be expended by local authorities charged with the responsibility of aquatic plant control, provided that the control techniques to be used are approved by the Department. Provision is also made for coordination and approval by the Department with respect to the issuance of permits by the Department of Air and Water Pollution Control to import or transport non-native aquatic plant species (SB 305, Ch. 70-203).

The Environment:

An advisory council to the Department of Natural Resources was created for the purpose of compiling an inventory of Florida's natural resources. The 15 member Florida Environmental Inventory Council, composed of specified department heads as well as five knowledgeable citizens, is to conduct a three-year survey to determine the extent, nature, present use and value to the state of specified natural resources including: beaches; estuaries; fresh water supply; hardwood, soil and minerals; and salt and fresh water

animal life. An appropriation of $50,000 was provided for fiscal year 1970-71 (CS for CS for HB 3882, Ch. 70-316).

The Legislature also adopted "The Environmental Education Act of 1970." Under this act the Commissioner of Education is to administer a program designed to develop instructional materials and in-service teacher training. The Commissioner is directed to establish the position of consultant in environmental education. An appropriation of $70,000 is provided and two full-time positions are authorized to be assigned to the development and implementation of the environmental education program (HB 3604, Ch. 70-241).

Of local application, but general interest, is a bill which creates the Tampa Bay Conservation and Development Study Commission. The ten member commission composed of legislators and local officials is to undertake a study designed to ascertain the public interest in Tampa Bay and is to report to the 1971 session its recommendations with respect to the protection of such public interest (HB 4727, Ch. 70-524).

Miscellaneous:

Flood control and water management districts are authorized to include small watershed projects (Public Law 566) within the works which they may construct and maintain (SB 414, Ch. 70-143).

The Game and Fresh Water Fish Commission was authorized to sell lands in the Cecil M. Webb Wildlife Management Area to the state for needed interstate highway right-of-way. The proceeds are to be used to acquire lands of equal wildlife value (SB 1015, Ch. 70-431).

The Trustees of the Internal Improvement Trust Fund were directed to make available five acres of a certain "spoil island" in the Intracoastal Waterway in Broward County for the establishment of a marine shore education facility through the Florida Atlantic University Foundation, Inc. (SB 1443, Ch. 70-449).

CONSTITUTIONAL AMENDMENTS

The 1970 regular session proposed six proposed constitutional amendments to appear on the November 1970 general election ballot. Two of the amendments related to the age of minority. Senate Joint Resolution No. 171 proposes to reduce the minority age of electors from 21 years to 18 years of age. Conference Committee Joint Resolution No. 2 further proposes that upon attaining the age of 18 years a person shall reach legal majority and thereafter have all the rights and responsibilities of an adult.

House Joint Resolution No. 792 proposed to amend the sovereignty submerged land provision of the State Constitution to permit the sale of such land only when in the public interest. It continues to permit the private use of portions thereof when authorized by law and when not contrary to the public interest.

Committee Substitute for House Joint Resolution No. 3853 and 4040 proposes to authorize the issuance of state bonds to finance the construction of air and water pollution and abatement and solid waste disposal facilities that will be operated by any public body in the state. The bonds will be payable primarily from revenues derived from operation of the facilities, special assessments, rentals and other available revenues and will be additionally secured by the full faith and credit of the state. Such bonds may be issued when authorized by law. No election is necessary but a state fiscal agency created by law must determine that the debt service requirements will not exceed 75% of the pledged revenues in any state fiscal year. The outstanding principal of all bonds issued thereunder is limited to 50% of the total tax revenues of the state for two preceding fiscal years.

The state may lease-purchase the facilities to a local government or may lend it the proceeds of such bonds. This amendment, if approved, will be implemented by Committee Substitute for House Bill No. 4523, Chapter 70-270 (see Conservation article, p. 6).

Senate Joint Resolution No. 1592 proposes that members of the House of Representatives be elected for terms of four years. Those from even-numbered districts would be elected in years the numbers of which are multiples of four, and those from odd-numbered districts in the intervening even-numbered year. After a reapportionment some would be elected for two years when necessary to maintain staggered terms.

The 1969 regular session proposed two amendments to be voted on in the November 1970 general election. One of these, Senate Joint Regolution No. 36 ('69) proposing a revision of Article V relating to the Judiciary, was withdrawn by the adoption of House Joint Regolution No. 5515. In its place, the 1970 regular session adopted House Joint Resolution No. 5512 which makes the identical revision of Article V except for four changes in the schedule relating to local matters. These affected certain judges in Manatee and Sarasota counties, a court clerk in Polk county, the Third Judicial Circuit, and retirement of judges holding other than state judicial office.

The other 1969 proposal to be voted on in November 1970 is House Joint Resolution No. 1262 which exempts from the constitutional 10 mill limit on ad valorem taxes, taxes levied for periods not longer than 10 years when designated by a school board for capital improvements and approved by local vote.

CRIMINAL JUSTICE

While it was said that the 1969 session of the Legislature was the year of tougher criminal laws, the 1970 session must pass into history as being a session where very little change was made. While this state and country was faced with the most serious drug abuse problem, comprehensive legislation in this area failed to gain sufficient momentum to insure passage. Senate Bill No. 611 and its committee substitute passed the Senate late in the session but died on the House calendar. This bill was a new approach to the criminal use of controlled dangerous substances. The most important action relating to criminal justice was the passage of Senate Concurrent Resolution No. 790. This resolution provides for the appointment of an advisory committee, composed of ten distinguished Floridians who are not members of the Legislature and who are possessed with knowledge, skill and experience in the field of criminal justice, five of whom shall be appointed by the President of the Senate and five of whom shall be appointed by the Speaker of the House of Representatives. It shall be the duty of the committee to review all constitutional provisions, laws and ordinances of the state relating to crime and criminal acts and to review all reported decisions interpreting and construing these provisions and to make recommendations to the Legislature by the time of the convening of the organizational session in 1970, if possible, but in any event prior to the convening of the regular session in 1971, for needed revisions and changes of the Laws of Florida and its Constitution in regard to the administration of criminal justice. The committee is charged to give careful consideration to the American Bar Association's Standards of Criminal Justice and is to work in liaison with the special advisory committee on practice and procedúre constituted and

appointed by the Supreme Court of Florida by order of March 23, 1970, and with the Senate and House of Representatives.

Crimes:

There were 13 changes made in the substantive criminal laws. The most significant addition to the criminal laws was the passage of Committee Substitute for Senate Bill No. 7 (Chapter 70-19) which created the Florida Auto Theft Statute as Chapter 814, Florida Statutes. The auto theft statute was first created in 1917 with the passage of Chapter 7358, Laws of Florida, 811.20, Florida Statutes. The provisions of this section remained unchanged until 1967 when the description of a motor vehicle was amended. The penalty for the commission of this crime has remained the same since its original passage. New Chapter 814 covers all aspects of auto theft and the unauthorized use of a motor vehicle. It provides for felony penalties of up to five years imprisonment and up to a $2,000 fine upon conviction of driving away or assisting in the theft of a motor vehicle, possessing a motor vehicle known to be stolen, or the stealing of automobile parts the combined value of which exceeds $100. The act further provides for imprisonment of at least five but less than ten years for a second offense and at least ten but less than 20 years for subsequent offenses. The larceny of auto parts having a value of less than $100 or the unauthorized use of a motor vehicle are misdemeanors and upon conviction a person can be confined in the county jail for up to 12 months and fined up to $1,000. This act has two significant new approaches to the auto theft problem. The first approach is the establishment of the mere taking of a motor vehicle, without the need of proving intent, as prima facie evidence of the intent to deprive the owner of his property. For many years in this state it has been difficult for prosecutors to obtain convictions for the theft of motor vehicles since they were required to prove each of the separate elements of a larceny, one of which was the element of intent to permanently deprive the

owner of the use of his property. The second important aspect of the act is the mandatory provision of the revocation of a person's drivers license who is convicted of a violation of the chapter. Law Enforcement and the courts have expressed their belief that the loss of the drivers license will act as a great deterrent especially to juveniles, when joyriding in stolen vehicles or in vehicles being operated without the owner's consent. This act will take effect January 1, 1971.

Senate Bill No. 358 (Chapter 70-85) amends section 790.161, Florida Statutes, to place back into the statute a part which was inadvertently deleted in the 1969 session.

Senate Bill No. 327 (Chapter 70-91) amends existing section 811.16, Florida Statutes, to give the court the right to impose both a term of imprisonment and a fine on a person convicted for buying, receiving or concealing stolen property rather than only having the authority to impose imprisonment or the fine. This act also adds a new subsection 811.151, Florida Statutes, requiring junk dealers to keep detailed and accurate records regarding the identification of articles bought and sold and provides a penalty of up to five years or a fine of not more than $500 or both such fine and imprisonment for failure so to do. This act takes effect October 1, 1970.

Committee Substitute for Senate Bill No. 38 (Chapter 70-350) adds a new section to the larceny statute to be designated 811.30, Florida Statutes, and makes the larceny of any firearm a felony. It establishes a penalty for such larceny of imprisonment not exceeding five years or a fine not exceeding $5,000 or by both such fine and imprisonment. The effect of this act is to eliminate the necessity of proving the value of a firearm in order to secure a conviction for either grand larceny or petit larceny and makes all such thefts felonious. This act will take effect January 1, 1971.

Senate Bill No. 30 (Chapter 70-88) amends sections 784.02 and 784.03, Florida Statutes, which prescribe the penalty for assault and assault and battery respectively. The punishment for assault is increased from $100 fine to a $1,000 fine or by imprisonment

in the county jail for not more than one year or by both such fine and imprisonment. The penalty for assault and battery is increased from six months imprisonment or a $500 fine to imprisonment not exceeding one year or by a fine not to exceed $1,000. The penalty as now provided for assault and battery does not give the court the right to impose both a fine and imprisonment on a person convicted of a violation. This act will take effect January 1, 1971.

House Bill No. 371 (Chapter 70-29) amends section 810.07, Florida Statutes, which established prima facie evidence of intent of breaking and entering by eliminating from the present section the provision that such act be committed in the "nighttime". This act takes effect October 1, 1970.

House Bill No. 372 (Chapter 70-41) amends sections 810.05 an 810.051, Florida Statutes, which relate to the unlawful entering of enumerated vehicles to include aircraft in said sections as one of such enumerated vehicles. This act takes effect October 1, 1970.

Committee Substitute for House Bill No. 569 (Chapter 70-8) amends section 828.04, Florida Statutes, which relates to torturing or unlawfully punishing children. The present law has been expande to provide that whoever unlawfully and willfully tortures, cages or mutilates or whoever cruelly, wantonly or with malice torments or punishes a child under 16 years of age or who intentionally causes permanent disability or disfigurement to such child is guilty of a felony punishable by imprisonment not exceeding 20 years in the state penitentiary or by a fine not to exceed $10,000. That portion of the statute relating to the willful and wanton deprivation of food, clothing or shelter to a child under 16 remain in the statute with its present penalty of imprisonment not exceedi two years and/or fine not exceeding $2,000.

House Bill No. 763 (Chapter 70-280) amends present section 811.022, Florida Statutes, which relates to shoplifting and establi

criminal penalties for a violation of the section. The act establishes penalties for shoplifting as follows:

First offense--fine of not more than $300 or imprisonment for not more than six months or both;

Second offense--fine of not more than $500 and imprisonment for not more than six months; and

Third offense--imprisonment in the state penitentiary for not less than one nor more than five years.

This act will take effect October 1, 1970.

A new crime of aggravated battery was established by the passage of House Bill No. 872 (Chapter 70-63) which provides a penalty upon conviction of imprisonment in the state penitentiary not exceeding two years or by fine not exceeding $2,000 or both, to take effect October 1, 1970.

House Bill No. 3117 (Chapter 70-233) makes it unlawful to tamper with, alter, change, set back, disconnect or fail to connect an odometer (speedometer) on a motor vehicle. The act establishes a procedure for the recordation of the mileage on each vehicle on the title certificate at the time of sale and provides a criminal penalty of not more than $1,000 fine or imprisonment not exceeding six months or both such fine and imprisonment. This act takes effect January 1, 1971.

Narcotics - Drugs and Dangerous Substances:

Numerous bills were introduced relating to the drug abuse problem as it now exists in our country. Five such bills were enacted into law. Of these bills three relate to rehabilitation and education of addicted persons or dependent drug users and will only be mentioned in this summary as they are also summarized under EDUCATION or HEALTH, WELFARE AND INSTITUTIONS.

Senate Bills Nos. 246, 268 and 296 were combined into a committee substitute as Chapter 70-183, which relates to the treatment of persons who are either addicted or are a drug dependent under the Department of Health and Rehabilitative Services. The act specifies that the secretary of the department

shall formulate plans and procedures for the treatment of addicts and establish educational programs in the area of drug abuse. It repeals subsections (1)-(4) and (7) and (8) of section 398.18, Florida Statutes, and specifies that no person who voluntarily ente any hospital or out-patient facility or program for the treatment of drug dependency shall be retained in such facility or program against his or her will nor shall such person be confined in or assigned to any penal institution.

Senate Bills Nos. 349 and 634 were likewise combined into a committee substitute and became Chapter 70-202, to be known and cited as the "Drug Education Act of 1970". This act provides for the establishment of a program of drug, narcotic, alcohol and tobacco education in the public schools of the state and to teach all children in kindergarten and grades 1-12 the adverse and dangerous affect on the human mind and body of drugs and other dangerous substances. Such education program is to be administered by the Department of Education. Effective July 1, 197

The third educational or treatment act was House Bill No. 4813 (Chapter 70-261) which appropriated the sum of $53,287 from the general revenue fund to be used for the purpose of financing "Operation Teenager" now being operated by the Division of Adult Corrections or the Department of Health and Rehabilitative Services. Effective July 1, 1970.

House Bill No. 619 (Chapter 70-44) was actually the only change in the substantive dangerous drug law. Subsection 404.01(12 Florida Statutes, defining certain dangerous drugs was amended to provide that all drugs controlled by federal drug abuse law shall likewise be controlled by the terms of Chapter 404, Florida Statute the Florida drug abuse law. Effective October 1, 1970.

The last drug bill is House Bill No. 759 (Chapter 70-165) which amends section 877.11, Florida Statutes, relating to the inha lation of model glue. This deletes the present definition referrin with particularity to chemical names for model glue and inserts a definition referring generally to any harmful chemical substance

which substance when inhaled produces symptoms of intoxication, dizziness or other affects which disturb the mental processes. This act will take effect July 1, 1970.

While not directly to be considered as "drug abuse" legislation, it is of interest to note the passage of Senate Bill No. 796 (Chapter 70-413) which amends section 317.201(1), Florida Statutes, (driving while under the influence) and section 860.01, Florida Statutes, (driving while intoxicated) to better describe and also to include all alcoholic beverages, marijuana or narcotic drugs as defined in Chapter 398, Florida Statutes, model glue as defined in section 877.11, Florida Statutes, and barbiturates, central nervous system stimulants, hallucinogenic or other drugs to which the drug abuse laws of the United States apply and as defined in Chapter 404, Florida Statutes. Effective January 1, 1971.

Criminal Procedure:

Criminal procedures were affected by six bills which were enacted into law. The Florida Law Revision Commission, created by the 1967 Legislature and charged with the duty of rewriting the criminal laws of this state, caused to be filed House Bill No. 4759 (Chapter 70-339). This act revises and consolidates the criminal procedure law governing all criminal cases instituted or tried after January 1, 1971, and combines all criminal procedure laws in Chapters 900-925, Florida Statutes. It has the short title of "Criminal Procedure Law". All present statutory criminal procedure which was superseded or changed by the Florida Rules of Criminal Procedure are deleted from the statutes by this act. The act specifies an effective date of 12:01 A.M. January 1, 1971.

Another procedural change was brought about by the passage of Senate Bill No. 363 (Chapter 70-86) which amended section 903.02, Florida Statutes, relating to criminal procedure when application for bail is denied. The act amends the present section to define "court" as including all state and municipal courts. This act takes effect July 1, 1970.

One of the most controversial problems to face the Legislature and the courts since the passage of the "Implied Consent Law" was met by the passage of Senate Bill No. 288 (Chapter 70-372) which amends Chapter 932, Florida Statutes, relating to criminal trial procedures. The act adds six new sections to the chapter authorizing a person charged with a county or municipal violation for which no jury trial is provided, when said violation is also a violation of state law, to petition the court of original jurisdiction for transfer to an appropriate court which would provide such person a trial by jury. Proper procedure and forms to aid in such transfer are established and provided in the new statute. This act originally had an effective date designated to coincide with the passage of the proposed revision of Article V of the Florida constitution which is to be voted upon by the electors of this state at the general election in November 1970. The act was intended to provide the procedure and furnish the forms to effectuate the trial by jury provisions of the proposed constitutional amendment; however, this effective date provision was amended and the bill is no longer dependent upon passage of the constitutional amendment and becomes effective July 1, 1970.

House Bill No. 606 (Chapter 70-279) is also summarized under PUBLIC SAFETY; however, attention is directed to the fact that section 322.262, Florida Statutes, is amended and now provides for trial by jury upon demand for any person charged or tried under the "Implied Consent Law".

House Bill No. 443 (Chapter 70-57) amends section 27.52, Florida Statutes, which establishes a procedure for determining the insolvency of a person to be defended by the public defender. The act requires the defendant to rebut a presumption of solvency in order to be eligible for the public defender's services. It establishes facts that shall be considered prima facie evidence of solvency and lists specific circumstances to be used in

determining the defendant's financial condition. The act makes the parents of a juvenile represented by a public defender liable for the cost for such representation not to exceed $750 as determined by the court. The act takes effect October 1, 1970.

Juveniles and Juvenile Courts:

The juvenile courts or juvenile procedure was changed by the passage of three acts.

Senate Bill No. 328 (Chapter 70-353) amends both Chapter 39, Florida Statutes, (Juvenile Courts) and adds two sections to Chapter 959, Florida Statutes, (Youth Services). Subsection 39.03(7), Florida Statutes, was amended to provide that a child held under a special order shall not be held more than 30 days without an adjudication as a dependent or delinquent child. New sections 959.23 and 959.24, Florida Statutes, provide for the inspection of juvenile detention facilities by the Division of Youth Services and establish standards and requirements for the operation of such facilities. The provisions of this act relating to Chapter 959 are also summarized under HEALTH, WELFARE AND INSTITUTIONS. Effective July 1, 1970.

House Bill No. 910 (Chapter 70-58) amends Chapter 384, Florida Statutes, (veneral diseases) by adding a new section 384.061, Florida Statutes, to provide that consent by a minor to a treatment for infectious, contagious or communicable diseases now regulated by law or treatment of which is to be reported to the local health officer are not subjected to disaffirmance by reason of minority. It further provides that consent of no other person shall be necessary to authorize treatment nor shall cost be assessed against any other person. This act takes effect October 1, 1970.

Another bill affecting juveniles was Senate Bill No. 999 (Chapter 70-430) which added section 743.06, Florida Statutes, to remove the disability of nonage of minors for the purpose of giving consent to the donation, without compensation, of blood and to the

penetration of tissue which is necessary to accomplish such donation. Effective July 1, 1970.

Law Enforcement Officers and Personnel:

Of utmost interest to the officer on the beat was the passage of Committee Substitute for Senate Bill No. 24 (Chapter 70-200) which establishes a minimum foundation program to financially assist local governments with law enforcement salaries and establishes a minimum salary of $5,400 for all law enforcement officers of local governments participating. It also provides for a 6% pay increase over existing 1970 salaries. This act does not become effective until May 1, 1971. The provisions of the law are further summarized under PUBLIC OFFICERS AND PUBLIC EMPLOYMENT.

Senate Bill No. 615 (Chapter 70-395) gave a 10% pay increase to each sheriff in the state retroactive to January 1, 1970. Sheriffs of counties having a population of 300,000 or more received an additional increase over and above the 10% raise.

House Bill No. 625 (Chapter 70-32) repealed section 23.087, Florida Statutes. This particular section established within the Department of Law Enforcement a Division of Administration which was not necessary to the operation of the department and was surplus language.

House Bill No. 481 (Chapter 70-383) adds section 372.761, Florida Statutes, to authorize the issuance of a search warrant to search a private dwelling upon probable cause that the dwelling is being used for the sale, purchase or possession of wildlife or fresh water fish being unlawfully kept therein. Effective October 1, 1970.

Committee Substitute for House Bill No. 1308 (Chapter 70-292 amends section 23.069, Florida Statutes, (Police Standards Council) to require educational subjects, instructors and certificates of non-public police training schools to be first approved by the Police Standards Council. It exempts schools accredited by the State Department of Education and police administration programs in colleges and universities. The act provides for

injunctive relief against any school in violation of its provisions. The act takes effect October 1, 1970.

House Bill No. 3371 (Chapter 70-106) amends Chapter 592, Florida Statutes, by adding a new section 592.075 to vest certain police powers in the director and designated park officers of the Division of Recreation and Parks of the Department of Natural Resources. Effective October 1, 1970.

A medical examiners commission was created by Committee Substitute for House Bill No. 2170 (Chapter 70-232) to be known as the "Medical Examiner Act". The commission is to be composed of six persons appointed by the secretary of the Department of Health and Rehabilitative Services. Two members are to be licensed Florida physicians actively engaged in the practice of pathology; one a licensed Florida funeral director; one State Attorney; the Executive Director of the Department of Law Enforcement or his designated representative and the Attorney General or his designated representative. Terms of office and method of appointment are specified in the act. It shall be the duty of the commission to promulgate rules and regulations pertaining to post mortem examinations, standards of performance of duties, the maintenance of records and the qualifications and appointment of medical examiners. The act establishes procedures and sets fees and salaries and provides for the obtaining of facilities for the performance of its duties. Effective July 1, 1970.

EDUCATION

Appropriations:

The Legislature appropriated $658.5 million from the General Revenue Fund to the Division of Primary and Secondary Education. Altogether, the Division received $60,698,959 or nine percent more total funds than their estimated expenditures in fiscal year 1969-70. Changes in the Minimum Foundation Program (House Bill No. 4538) accounted for most of the increase. In addition, the Legislature decided to fund the school lunch program which received $2,750,000 to be distributed on a pro rata basis to counties for lunches for economically needy children. However, the appropriations bill specified that counties must have a satisfactory lunch program for economically needy children in order to receive educational improvement funds.

The Commissioner of Education received $17,484,238 to operate his office. This represents an eight percent increase over fiscal 1969-70.

Vocational Technical Education was funded through the MFP and is calculated as part of the K-12 budget. The central office was allocated $852,381 with additional federal trust funds of $13,028,582 distributed between the state office and the county districts. Also allocated to vocational education this year was $6,000,000 for the vocational improvement fund.

Junior colleges funded under an MFP formula received $81,138,780 of general revenue. This includes an increase of $350 per instructional unit and a recalculation of the retirement contributions of the institutions. The Division of Community Colleges received $275,074 for operation of its central office. In addition, $3,507,040 from trust funds is appropriated to the junior colleges and $11,231 from trust funds to the central office.

The Board of Regents received $4,580,158 of general revenue and $1,751,263 in trusts for the operation of their cen-

tral office. Included in this allotment was $2,392,000 for the University of Miami Medical School (the per student allotment was raised from $5,500 to $6,500) and $725,800 for students studying out-of-state under programs of the Southern Regional Education Board. The Regents were also allocated a lump sum of $865,000 for projects including the College of Veterinary Medicine, preventive maintenance, high priority vocational education projects, and libraries.

For the universities the budget provides a total of $205.2 million for 67,877 FTE students which is approximately $3,010 per student. This 18 percent increase over the 1969-70 amount of money available for each student was needed to meet the increasing student enrollment (an 11 percent increase over 1969-70) and also includes funds allocated to two new state institutions and the University of South Florida Medical School. Estimated revenue from student fees is approximately $50 million.

K-12 Legislation:

Extensive revision of Florida's K-12 educational system was accomplished this session. The Minimum Foundation Program was substantially overhauled and a comprehensive vocational package was passed. Although the first four bills summarized in this section will have the greatest impact, many of the others significantly affect educational programs.

The Minimum Foundation Program was substantially altered by Committee Substitute for House Bill No. 4358 (Chapter 70-94). Each of the major changes are outlined as follows:

1. Other current expense units now valued at $1,050 were raised $1,100 apiece for fiscal year 1970-71 and for each subsequent year thereafter through 1973-74. For 1974-75 onward all MFP allocation, except capital outlay, will be adjusted for cost-of-living increases.
2. The required district effort was increased from the three mills presently required to four mills in fiscal year 1970-71. For each subsequent year, an additional mill will be required until seven mills is reached in fiscal year 1973-74. The required effort will be based

on 100 percent assessments for non-exempt property as determined by ratio studies to be made by the Auditor General in the manner prescribed therein. If the Legislature fails to fund the annual increase in the other current expense units, the required local effort remains at the level required for the last year in which current expense units were fully funded. Also, counties are guaranteed that for every additional mill levied as required, the county will receive additional state funds equal to the one mill increase even if it is above the $1,100 increase provided for in other current expenses.

3. Those counties under the state average value of a fully assessed mill per pupil are eligible for a special equalization plan for property-poor but student-rich counties. Two conditions were attached to participation in said funds:

(a) that in order to be eligible counties levy ten mills for operating in the preceding year, and (b) that a county be at the state average level of assessment as determined by the Legislative Auditor. Eligible counties would receive an amount necessary to equalize them with the state average at seven mills, thereby decreasing the amount included in this fund in each fiscal year as the local required effort is increased. This fund would be eliminated completely when a seven-mill required effort is reached in 1973-74.

4. The requirement that instructional personnel employed must account for 90 percent of the instructional units was removed.

5. Districts are no longer required to match state additional capital outlay funds by 25 percent. Also the purposes for which capital outlay funds may be used were expanded to permit counties greater flexibility in expenditure of funds.

6. Districts with kindergarten programs under the MFP no longer have to increase their local required support by five percent, beginning in 1971-72.

7. Districts may, upon approval of the freeholders, levy

taxes above the ten mill limit for several additional purposes such as local capital improvement and liability insurance and still participate in the MFP. However, the entire ten mill limitation provisions in Section 236.251, Florida Statutes, are repealed as of July 1, 1974.

8. As of the 1971-72 fiscal year, districts will no longer be required to contribute three tenths of a mill to the support of junior colleges. In addition, local budget review by the district school board was eliminated.

9. Current expense units for junior colleges were raised from $1,550 to $1,900. Also, sales tax allotments were made subject to recalculation, as are other funds in the MFP formula for junior colleges. Although the junior colleges will then be completely state-supported institutions, it is the legislative intent that junior colleges be operated as local institutions by district boards of trustees.

Another significant bill, Senate Bill No. 656 (Chapter 70-399) contained several changes. All references to school trustees were deleted and superintendents were required to make nominations for supervisors, principals and other instructional personnel directly to the school board. Deadlines were established for submission and action on the nominations for reappointment. Also, school boards must now examine three rather than two nominations before making their own selection.

In addition, superintendents were given authority to make appointments at approved compensation rates for authorized positions pending the next meeting of the local board.

A subsequent provision expanded the purposes for which additional capital outlay funds could be spent so as to include leasing. The State Board of Education may secure the services of other agencies in the setting of standards for school building construction, but the requirement that Board of Education consult with certain specific agencies in this area or in the setting of safety and health standards is removed.

Senate Bill No. 656 (Chapter 70-399) further provided that the Department of Education develop uniform evaluation procedures to be used in all districts by March 1, 1971. A progress report is to be presented to the education committees of both houses by October 1, 1970. The report is to include the Commissioner's proposed budget for implementing the evaluation procedures in fiscal year 1971-72.

Another provision exempts junior colleges from Chapters 231, 232, 233, 235, 236 and 237, unless any sections thereof are specifically referred to in Chapter 230, Florida Statutes, or Board of Education regulations.

A comprehensive drug education program for all public schools was authorized by Committee Substitute for Senate Bills No. 349 and 634 (Chapter 70-202). Priorities for immediate implementation are in-service teacher education, the establishment of resource centers, expanded degree programs for drug education specialists, designs fee selection and training of para-professionals and actual pupil instruction with the opening of the 1970-71 school year. Children whose parents object in writing to school principals are exempt from the program. The Commissioner of Education was appropriated $76,400 for the first year of the program.

The district school superintendent in certain counties may under House Bill No. 399 (Chapter 70-519) hire a special security officer to protect school personnel, property and students. The officer must post a $5,000 bond and meet the standards of the Police Standards Council.

Seventy thousand dollars was appropriated in House Bill No. 3604 (Chapter 70-241) to the Commissioner of Education for the establishment of an environmental education program for the State of Florida. Two new positions were authorized, one of which is to be labeled "consultant in environmental education."

A school board may receive up to $6,000 toward the salary of a community school director under House Bill No. 3994 (Chapter 70-318) if their community school grant application is approved by the Commissioner of Education.

The State Board of Education is permitted under Senate Bill No. 717 (Chapter 70-402) to waive for 1969-70 the 180-day school requirement in computing MFP for districts unable to complete 180 days within the teacher contract period as a result of a court order.

The certification requirement which specifies that teachers be free from physical defect or deformity which would impair teaching ability was modified by Senate Bill No. 345 (Chapter 70-36) to permit handicapped persons capable of performing teaching duties to be certified.

House Bill No. 4746 (Chapter 70-21) requires that the terminology "local capital improvement" be substituted for "building and bus" in the applicable Florida Statutes and the Florida School Code.

By House Bill No. 785 (Chapter 70-190) the former salary limits of $7,500 to $35,000 for appointive superintendents are lifted, thus leaving salary range and length of contract term to the discretion of the school board.

House Bill No. 2218 (Chapter 70-126) permits district school boards to grant sick leave in excess of present limits for emergency conditions and to meet the expense of such from local funds.

House Bill No. 3698 (Chapter 70-173) prohibits denial of accreditation based solely on the lack of educational qualifications of elective district superintendents who hold earned bachelors degrees and makes any such action cause for injunctive relief.

Senate Bill No. 570 (Chapter 70-113) changes certification requirements to permit teachers 70 years or over who meet the State Board of Education requirements to be hired on a year to year basis. Any teacher so employed would have any teacher retirement allowance suspended during the period of employment.

Chapter 229.805 is expanded by House Bill No. 3851 (Chapter 70-191) to permit educational television facilities to be used for fair, open and free discussions of political issues and candidates in order to reduce campaign expenses.

House Concurrent Resolution No. 4169 requests the Department of Education to encourage development of materials for studying Florida's government and history and to develop a sequential study series of such materials. Also, the universities are urged to train teachers in the history and government of Florida.

With recommendations to be given by the superintendent, House Bill No. 4172 (Chapter 70-194) requires that the district school boards adopt policies for investing funds not needed for immediate expenditure so as to achieve maximum returns.

House Bill No. 4224 (Chapter 70-196) increased from $2,500 to $5,000 the amount of building repair and construction permitted without Department of Education approval, but made leasing also subject to approval.

Senate Bill No. 1253 (Chapter 70-443) authorizes school boards to convey school land with or without consideration to any other public board or agency for educational purposes. Property so conveyed reverts to the grantor board when it ceases to be used for educational purposes.

House Bill No. 507 (Chapter 70-189) prohibits the creation of additional special school tax districts for capital outlay bonding, effective July 1, 1970

In the event a constitutional provision limiting elections solely to freeholders is held invalid by the United States Supreme Court. House Bill No. 3813 (Chapter 70-18) authorizes local governmental boards, including school boards, to permit non-freeholders to vote in bond elections. Freeholders would continue to vote separately from non-freeholders and appropriate totals would be tabulated.

Under Senate Bill No. 67[illegible] (Chapter 70-72), proof of a child's age is required before he can be admitted to kindergarten.

Children must obtain a health certificate before entering kindergarten according to Senate Bill No. 682 (Chapter 70-73).

Teachers of specialized subjects such as foreign languages may be hired under House Bill No. 1122 (Chapter 70-209) for less than a full school day

Senate Bill No. 678 (Chapter 70-401) clarifies that each county is a school district. School boards are the governing authority for school districts and may propose millages for both current operating purposes and local capital outlay. School millages, upon vote of the freeholders can go above ten mills for any school purpose and participate in the MFP.

Part of Senate Bill No. 328 (Chapter 70-353) requires the Division of Youth Services, Department of Health and Rehabilitative Services, to establish an exceptional child education program pursuant to the Florida School Code and regulations of the State Board of Education. A formula for funding the program is provided for, but the Division will not receive any funds until their educational plan is approved by the Commissioner of Education. The curriculum is to be consistent with that of the public school system and annual evaluations of effectiveness are to be made to the Legislature and the Commissioner of Education.

Several bills affecting teacher retirement were passed. For further details, see the section on Personnel and Retirement.

Vocational Education:

A significant and comprehensive package of vocational technical legislation was approved by the Legislature after hearing the reports given by a special House committee composed of representatives from the public school and higher education committees.

The definition of vocational education was redefined by House Bill No. 3897 (Chapter 70-193) to include exploratory courses (previously excluded), industrial arts courses and instruction in vocationally oriented home economics.

A new formula for vocational education was established in House Bill No. 3950 (Chapter 70-175), which provides that the State Board of Education classify vocational courses in from three to twenty catagories according to cost variations and distribute vocational units to courses at all levels based on cost variations and full-time equivalent students. The State Board of Education is to set minimum requirements for a comprehensive vocational program.

The Commissioner of Education is authorized to allocate up to an additional 100 units in vocational education for meeting state wide needs.

House Bill No. 3951 (Chapter 70-176) is a new formula for occupational education providing for the State Board of Education to classify occupational courses at junior colleges into from six to twenty catagories according to cost variations with units distributed on an average daily attendance basis. Minimum requirements for a comprehensive occupational education program are to be established and the Commissioner of Education is authorized to allocate up to 100 additional units for occupational education.

A Vocational Improvement Fund, created by House Bill No. 3896 (Chapter 70-252) provides for counties to submit plans to the Department of Education which shall make the fund awards. Each year the Department in its legislative budget request will submit a list of improvement fund projects and the estimated amount of funds needed to support these projects.

More vocational education needs are met by House Bill No. 3892 (Chapter 70-211), which provides that the Department of Education shall develop and implement regulations providing for courses of direct job-related instruction in each school district. Provides that each district must provide a minimum program of courses in at least five vocational education areas and allows for provisional certification of instructors.

To provide more counseling services in the area of vocational education, House Bill No. 3893 (Chapter 70-317) authorizes the employment and provisional certification of occupational specialists up to half of the total number of counselors in the school district. Occupational specialists will handle specialized assignments under the supervision of a certified counselor with counties permitted to provide in-service programs funded 75 percent by the state.

House Bill No. 3895 (Chapter 70-192) provides that each school district and junior college shall employ a certified director of vocational education to administer and help plan a district-wide or junior college program in vocational education.

In order to meet the increasing need for counselors at the elementary and secondary school level, House Bill No. 3898 (Chapter 70-174) provides that the Department of Education shall establish guidelines and review district school board plans for alternative methods of providing counseling services outside the traditional graduate school certification requirements.

Community Colleges:

Junior colleges are authorized by House Bill No. 1411 (Chapter 70-101) to use non-state auxiliary funds for promotional purposes such as hospitality to guests of the college.

Perhaps the most significant legislation affecting community colleges passed this session was House Bill No. 4538 (Chapter 70-523) which eliminates the county required effort for the financing of junior colleges.

Senate Bill No. 404 (Chapter 70-124) authorizes junior colleges with an enrollment of over 20,000 students to provide a residence for the junior college president on donated land.

Higher Education:

In Senate Bill No. 1049 (Chapter 70-434) the Board of Regents was authorized to permit permanent full-time employees to take free courses of on-campus instruction.

Senate Bill No. 1089 (Chapter 70-362) repeals Section 239.582, Florida Statutes, which provided for the suspension from school upon the recommendation of an administrative hearing of any student charged with the possession or sale of drugs.

Senate Bill No. 29 (Chapter 70-51) provides that the Board of Regents when adopting admission and fee regulations shall consider past disruptive actions of students seeking admission to a state university.

House Concurrent Resolution No. 4038 approves the fees charged at state institutions of higher learning. The registration fee per quarter for undergraduates is $150 and $175

for graduate students. Out-of-state students pay $300 each quarter. State medical students pay a fee of $900 per year while non-Florida medical students pay $2,100 per year. The fees for students enrolled in GENESYS is $40 per student credit hour.

Senate Bill No. 856 (Chapter 70-220) authorizes the Board of Regents to pay the cost of civil action brought against any officer or employee in the state university system as a result of the performance of his duties.

The Department of Education with the advice of the Florida Student Scholarship and Loan Council was mandated by Senate Bill No. 656 (Chapter 70-399) to develop by December 1970 a comprehensive program of student financial aid for all levels of post high school education, both public and private. The plan is to operate in conjunction with federal programs and make aid available on the basis of financial need. The Department was authorized to use $30,000 from the Student Financial Aid Trust Fund to develop the program and initiate in-service training for aid administrators.

A state planning council for post high school education composed of eleven members and the independent higher education committee composed of nine members and designed to advise the Commissioner of Education on the role, status, requirements and needs of private institutions were created by House Bill No. 4221 (Chapter 70-195). The functions of the council are to study the needs and evaluate the effectiveness of post high school programs, to advise the Commissioner of Education and to serve as advisory council to the Florida State Commissioner for Title 1 of the Higher Education Facilities Act.

ELECTION LAWS

Campaign Financing and Reporting:

Some of the conspicuous attempts at election reform by the 1970 regular session of the Legislature were aimed at the popularly-known "who gave it, who got it law."

Committee Substitute for Senate Bill No. 176 (Chapter 70-267) places a limitation on the campaign expenditures by candidates for political office. It places a $700,000 limit on spending by candidates for Governor and Lieutenant Governor, considered jointly as a single candidacy, and on candidates for United States Senator: $350,000 is allowed for the two primaries and $350,000 for the general election. Candidates for the Cabinet, Supreme Court and Public Service Commission are limited to $500,000, half in the primaries and half in the general election. Congressional candidates may spend $75,000 in the primaries and another $75,000 in the general election, for a total of $150,000. All other candidates, including those for state legislative, judicial, county, or municipal office, are limited to a total of $50,000: $25,000 for the two primaries and $25,000 for the general election. If any candidate receives contributions in excess of the amount he may spend, the excess is escheated to the state and placed in the general revenue fund.

The same bill that places limitations on campaign expenditures contains two other important changes. The first removes the prohibition against beverage licensees and public utility operators from contributing to candidates for political office. It does, however, continue the prohibition against horse and dog racing permittees, and extends the prohibition to jai alai permittees. The second change limits the amount

a person may contribute to a political candidate. The old law held all individual contributions to $1,000. The new law sets the following limits: $3,000 for statewide candidates, $2,000 for congressional candidates, and $1,000 for all other candidates. These limits apply collectively in the two primaries and again in the general election, which means that an individual person may contribute double the set amounts to the total campaign of a single candidate. Also, the contribution limits do not apply to amounts contributed by a candidate to his own campaign.

The frequency and filing time of contribution and expenditure reports by candidates and political party executive committees was affected by three separate acts of the Legislature. House Bill No. 4471 (Chapter 70-133) requires candidates to file reports on a year-round basis after appointing a campaign treasurer. All candidates must report quarterly from the time they appoint a campaign treasurer until the time they officially qualify. From the time of official qualification until their election or elimination, statewide candidates file weekly reports and all other candidates file biweekly reports. A final report by all candidates in the general election must be filed 45 days after the general election. This act also removes the exemption of unopposed candidates from filing reports, and prohibits persons from contributing to a candidate until the candidate has appointed a campaign treasurer and campaign depository.

House Bill No. 3947 (Chapter 70-132) applies to reports of contributions and expenditures by state and county political party executive committees or other organized groups in support of a candidate. Each year in which no general election is held reports are filed quarterly, and each year in which a general election is held the reports are filed quarterly until qualifying time and then on a monthly basis for the remainder of the year.

House Bill No. 3266 (Chapter 70-170) imposes a requirement that every person who was a candidate for office shall file a statement of contributions and expenditures for the twelve-month

period following the last election in which he participated.

Candidates for municipal office, who were exempt from the requirements of the campaign finance laws, are now required to file reports of contributions and expenditures by the passage of Senate Bill No. 148 (Chapter 70-65).

The penalties for violating provisions of Section 99.161, Florida Statutes, (the "who gave it, who got it" law) are contained in Section 104.27, Florida Statutes, which was amended by House Bill No. 4472 (Chapter 70-180). The new amendment directs the state attorney instead of the Attorney General to act as counsel for the state in actions to void the candidacy or election to office of any person violating Section 99.161, Florida Statutes. A new provision was added to make it clear that a candidate who violates the campaign financing and reporting law, before or after his election, is subject to suspension and removal from office, or to impeachment, or to expulsion from the Senate or House of Representatives, as the case may be.

Fund raising testimonial affairs will be regulated by House Bill No. 4007 (Chapter 70-120). The person in charge of a testimonial held for any purpose other than charitable, religious, or educational must notify the Department of State before it is held, and within 30 days of the date of the testimonial must file with the Department of State a report containing the names and addresses of each of the contributors and the amount contributed by each, the expenses incurred, and the disposition of funds raised. Contributions by persons attending testimonials are subject to the same limitations as campaign contributions.

All of the laws regulating campaign financing and reporting are effective July 1, 1970.

Qualifying and Primary Dates:

The dates for the first and second primary elections were changed by House Bill No. 1738 (Chapter 69-1745) which became effective in December, 1969. The first primary will now

be held on the first Tuesday that falls on the sixth day or later in September of each even-numbered year. The second primary will be held on the third Tuesday following the first primary. In 1970 the first and second primaries will fall on September 8 and 29, respectively.

All candidates except those for the offices of Supreme Court Justice, District Court of Appeal Judge, or Circuit Court Judge may now pay their qualification fees and file their qualification papers nine weeks prior to the first primary but not later than seven weeks prior to the first primary according to the provisions of Committee Substitute for Senate Bill No. 375 (Chapter 70-93). Candidates for the judicial offices mentioned above must qualify no earlier than seven weeks and no later than five weeks before the first primary. For 1970 the qualifying period for judicial candidates begins July 21 and ends August 4, and the qualifying period for all other candidates begins July 7 and ends July 21.

House Bill No. 504 (Chapter 70-42) requires the Department of State and the clerks of the Circuit Courts to notify candidates of any errors in their qualification papers or fees. A candidate is allowed three days to correct any errors and if he fails to do so within the prescribed time he is subject to disqualification. This act will not apply to the 1970 elections since it does not take effect until October 1, 1970.

Resignation From Office:

Under the provisions of Committee Substitute for Senate Bill No. 170 (Chapter 70-80) any elected or appointed state, county or municipal officeholder who wants to qualify for another office must now resign from the office he holds at least ten days prior to qualifying for the other office, if any part of the term of that office runs concurrently with his present term of office. The resignation must be presented to the Governor and takes effect either on the date of assuming the new office or on the expiration date of the term of office resigned from. This act became effective June 2, 1970, and was immediately challenged in court by Circuit Judge Charles

Holley of St. Petersburg.

Minority Parties and Independent Candidates:

In response to two recent court opinions, Williams v. Rhodes, from the United States Supreme Court, and Beller v. Adams, from the Florida Supreme Court, the Legislature has passed Senate Bill No. 1203 (Chapter 70-269) which provides procedures for allowing minority political parties and independent candidates to obtain positions on the general election ballot. Minority political parties may have the names of their candidates for all statewide offices placed on the general election ballot provided that a petition is signed by three percent of the registered electors of Florida, verified by the various county supervisors of elections and submitted to the Department of State. According to the Department of State, this would require 81,000 petitioners based on the state's total of 2,700,000 registered electors. In order to have the names of their candidates for county or district office placed on the general election ballot, minority political parties must submit a petition containing the signatures of five percent of the total registered electors in that county or district.

Any registered elector seeking any statewide office may have his name as an independent candidate printed on the general election ballot if he submits a petition containing the signatures of five percent of the total registered electors in Florida. For all offices elected by county and district vote, an independent candidate must submit a petition containing the signatures of three percent of the registered electors of the county or district which is represented by the office sought.

The form of the oath for all candidates has been modified in order to accommodate minority party and independent candidates and to make certain that no candidate presently seeking office has been a candidate for nomination to office

for any other party for a period of six months preceding the general election for which he qualified.

There are other provisions in this act which allow minority parties to petition to obtain a place on the general election ballot for their candidates for the offices of President and Vice-President of the United States. This act takes effect June 15, 1970.

Educational Television:

An attempt to reduce the high cost of political campaigns and to produce a better informed electorate is contained in House Bill No. 3851 (Chapter 70-191). Under the old law, educational TV stations were allowed to sponsor political debates between candidates for statewide office on an experimental basis, only during the 1968 and 1970 general elections. The new law allows fair, open and free discussion between candidates for any political office and between the proponents and opponents of specific governmental actions such as constitutional amendments, tax referenda and bond issues. The authority is granted without any time limitations. This act takes effect July 1, 1970.

Constitutional Amendments: Voting Age: House Terms:

Two measures pertaining to elections will be on the November 1970 general election ballot for ratification or rejection by the electors of Florida. The first, Senate Joint Resolution No. 171, lowers the voting age from 21 to 18. The second, Senate Joint Resolution No. 1592, provides that members of the State House of Representatives shall serve four-year terms instead of two-year terms.

Voting Procedure and Ballots:

When the period between the primary elections and the general election was reduced by approximately four months, the supervisors of elections became concerned about the possibility of some of our armed servicemen overseas being unable to apply for and return their absentee ballots in time to be

counted for each separate election. Committee Substitute for Senate Bill No. 375 (Chapter 70-93) seeks to remedy the problem by allowing the supervisors to send out ballots for each of the three elections upon a single application by a serviceman.

The absentee ballot procedure used by servicemen was further amended by Senate Bill No. 202 (Chapter 70-119) to allow servicemen living within the state to apply for absentee ballots. Previously, only those servicemen living outside the state were eligible to apply for such ballots.

In an attempt to avoid confusion as to the identity of particular candidates on a primary election ballot, the Legislature passed Senate Bill No. 558 (Chapter 70-268) to allow an incumbent candidate to have the word "incumbent" printed next to his name on the ballot, if he has an opponent with the same or similar surname.

Senate Bill No. 243 (Chapter 70-136) amends Section 104.19, Florida Statutes, which made it unlawful to carry into a voting booth any mechanical device, paper, or memorandum other than the official ballot, to make the prohibition apply only to such items which might be used to adversely affect the normal election process.

A new dimension in the procedure for identifying the signatures of qualified electors at polling places has been authorized by House Bill No. 2418 (Chapter 70-105). The new law authorizes the board of county commissioners to either use consecutively numbered signature identification slips as they have in the past or use signature slips uniquely numbered for each elector in the county.

An act which became effective in December 1969, Senate Bill No. 15-A (Chapter 69-1744), requires one voting machine for every 350 electors or major fraction thereof in each precinct.

Liquor Prohibition Lifted:

Section 104.381, Florida Statutes, which prohibits the sale of intoxicating beverages while election polls are open, was repealed by House Bill No. 1355 (Chapter 70-248). The act does not take effect until October 1, 1970, which means this year's general election will be wet but the primaries in September will still be dry.

State Career Employees May Hold Local Office:

State career service employees were prohibited from holding any public or political office by Section 110.092, Florida Statutes. This section of the statutes has now been modified by House Bill No. 510 (Chapter 70-388) to the extent that any such employee may hold a local public office which does not conflict with his state employment when authorized by his agency head and approved by the Division of Personnel and Retirement. This act takes effect October 1, 1970.

State and County Executive Committees:

Under the provisions of Senate Bill No. 559 (Chapter 70-214) the members of all political party state and county executive committees will take office on January 1 following their election at the primaries in the preceding year, and the outgoing chairman of each committee must call an organizational meeting within two weeks of January 1. This act takes effect July 1, 1970.

Supervisors' Salaries:

The salaries of all supervisors of elections have been increased by Committee Substitute for Senate Bill No. 986 (Chapter 70-429). The increases range from $2,000 to $4,000 per year and are effective July 1, 1970.

Local Bond Elections:

House Bill No. 3813 (Chapter 70-18) authorizes each county, school district, municipality, special district and local governmental body with taxing powers to hold in con-

junction with a freeholder's bond election pursuant to Section 12 of Article VII of the 1968 State Constitution, a separate election in which all qualified electors (not just freeholders) of the governmental unit shall be entitled to vote on the bond issue. If a separate election is held, a majority of the qualified electors voting in the special election and a majority of the freeholders voting in the bond election held pursuant to the Constitution are required for approval of the bond issue. This act was apparently designed to hedge against the possibility that bond elections limited to freeholders may be held to be in violation of the United States Constitution. The act became effective May 12, 1970 and will expire on July 1, 1971. (See Local Government for further discussion of this subject.)

Financial Disclosure by Elected Officials:

Each elected national, state, county or municipal officeholder must now file a semiannual report of all contributions in excess of $25 received while in office and the expenditures made from such contributions, according to Senate Bill No. 1389 (Chapter 70-230). This disclosure requirement does not apply to those funds which must be reported pursuant to the campaign finance law (Section 99.161, Florida Statutes). Any person who voted in the election of such officers has the right to bring a civil action to enforce this additional disclosure requirement. This act takes effect July 1, 1970.

HEALTH, WELFARE AND INSTITUTIONS

Appropriations:

The general appropriations bill provided a total of $476,888,797 to the Department of Health and Rehabilitative Services - $210,001,198 from general revenue and $266,887,599 from trust funds. These funds are allocated to the various divisions of the department as follows:

Division or Bureau	General Revenue	Trust Funds
Administrative Services	$ 362,585	$ 548,715
Planning & Evaluation	142,328	393,708
Community Medical Facilities	189,079	18,263,216
Comprehensive Health Planning	78,100	234,300
Crippled Children	4,677,894	1,537,049
Corrections	18,692,976	7,645,416
Youth Services	10,022,023	667,452
Mental Health	41,405,439	5,206,541
Retardation	31,522,170	853,086
Vocational Rehabilitation	3,334,762	24,517,778
Blind	948,006	2,607,661
Family Services	74,706,075	176,358,172
Health	23,919,761	28,054,505
	$210,001,198	$266,887,599

General revenue appropriations increased or decreased from the 1969-70 appropriations as follows:

Division or Bureau	1969-70	1970-71	
Administrative Services	$ 527,581	$ 362,585	(31.3%)
Planning Evaluation	Unfunded	142,328	--
Community Medical Facilities	164,783	189,079	14.7%
Comprehensive Health Planning	85,541	78,100	(8.7%)
Crippled Children	3,085,479	4,677,894	51.6%
Corrections	16,321,611	18,692,976	14.5%
Youth Services	7,576,716	10,022,023	13.4%
Mental Health	37,422,326	41,405,439	10.6%
Retardation	28,341,299	31,522,170	11.2%
Vocational Rehabilitation	2,917,500	3,334,762	9.3%
Blind	938,835	948,006	14.3%
Family Services	55,550,601	74,706,075	34.4%
Health	16,520,620	23,919,761	44.7%
	$169,452,892	$210,001,198	40.5%

WELFARE

Grants to the Aged, Blind and Disabled:

House Bill No. 4062 (Chapter 70-242) provides an appropriation of $755,232 to be in addition to any appropriation to the Department of Health and Rehabilitative Services for old age assistance, aid to the blind, and aid to the permanently and totally disabled. This additional appropriation is provided in order to raise the maximum grant to the above mentioned categorical recipients from $75 to $114 per month.

Division of Family Services:

House Bill No. 4260 (Chapter 70-255) revises Chapter 409, Florida Statutes, relating to public welfare, to transfer certain responsibilities from the Division of Family Services to the Department of Health and Rehabilitative Services. It provides additional definitions to conform with the Governmental Reorganization Act of 1969. It deletes the specific residency requirement

for eligibility to receive public assistance. The advisory committee for medical assistance programs is appointed by the secretary of the Department of Health and Rehabilitative Services, replacing the HSI committee.

Food Stamps:

Committee Substitute for Senate Bill No. 311 (Chapter 70-201) authorizes the Department of Health and Rehabilitative Services to initiate a food stamp program in each of the 67 counties. This bill permits existing commodity distribution programs in counties may be continued until such counties have been approved by the United States Department of Agriculture for a food stamp program. An appropriation of $1,500,000 was made to implement the program. This appropriation is in addition to any other funds appropriated by the 1970 Legislature for this program.

HEALTH

Nursing Home Administrators:

Senate Bill No. 984 (Chapter 70-428) creates the Florida State Board of Examiners of Nursing Home Administrators, which is placed in the Department of Professional and Occupational Regulation. This bill provides that no nursing home in the state may operate following July 1, 1970, unless it is under the management of a nursing home administrator licensed by the board.

The present members of the Florida Nursing Home Council created under Chapter 69-309, Laws of Florida, shall become the Board of Examiners, except that the Governor shall appoint to the board one hospital administrator who has demonstrated an interest in the care of long-term patients and infirm aged patients, and one registered nurse who has as a minimum a baccalaureate degree and is currently employed in the field of geriatric nursing. The term of a member is four years and no member shall serve more than two consecutive full terms.

The functions of the board shall include such things as developing standards to be met by applicants applying for licensure,

issuing licenses, investigating complaints against licensed administrators, and conducting a continuing study of nursing homes with a view to the improvement of the standards.

Senate Bill No. 984 also sets the qualifications of applicants, allows the board to determine the subjects of examinations and administer such examinations, and sets the fees for licensure. Only an individual who has met all the qualifications of this act may use the title "Nursing Home Administrator" and use the abbreviation "NHA" after his name.

Reciprocity with other states is provided by payment of an application fee and a registration fee.

Any applicant for licensure after June 30, 1972, who has met all the qualifications previously set forth in this act, must serve for one full year as a nursing home administrator-in-training under the supervision of a licensed nursing home administrator.

Nursing Homes and Related Health Care Facilities:

Senate Bill No. 996 (Chapter 70-361) essentially revises Chapter 400, Florida Statutes. This act provides added definitions including a "facility," a "manager" or "supervisor," a "related health care facility home" and a "new facility."

Facilities may be licensed in the following categories as defined in this act: nursing home, home for the aged, home for special service, and such other health-related categories as may be defined by rules and regulations issued by the department.

It provides conditions to be construed as grounds for action against a facility, such action to be taken by the director of the Division of Health.

The primary purpose of this act is to provide for development, establishment and enforcement of basic standards for health, care and treatment of persons in nursing homes and related health care facilities, including construction, maintenance and operation of such institutions.

It provides for the licensure and the revocation or suspension of such license.

Drug Abuse Treatment:

Committee Substitute for Senate Bill Nos. 268, 296 and 246 (Chapter 70-183) authorizes the Department of Health and Rehabilitative Services, coordinating the several divisions within the Department, to formulate a comprehensive plan for diagnosis, treatment and education in the areas of drug abuse and dependence. Also, it authorizes the Department to coordinate and direct programs for drug abuse treatment and education among all divisions of the Department in the most efficient manner possible.

This act also allows the secretary of the Department to designate facilities within the Department to be used for the treatment of drug dependents as defined. These programs may be for both inpatients and outpatients.

Submission to these programs may be voluntary in the manner prescribed by the secretary. Such voluntary treatment is dependent on the financial and space abilities of the Department. The secretary may establish a fee system in accordance with a person's ability to pay.

"Operation Teenager":

House Bill No. 4813 (Chapter 70-261) pertains to a group of young adults who have been connected as a result of drug addiction or dependence. An active program of this type exists in each of the prisons throughout the state. The participants in the program travel throughout the state at the request of certain church groups and organizations to discuss the effects of drugs.

This bill provides a $53,287 appropriation for "Operation Teenager" through the Department of Health and Rehabilitative Services. The bill authorizes the secretary of the Department to accept donations from public or private sources for the purposes of his project.

Florida Hazardous Substances Law:

Senate Bill No. 374 (Chapter 70-374) makes it unlawful to introduce into commerce, deliver, misbrand, receive, or guarantee falsely any substance defined in this act as being hazardous. It provides for administration and enforcement of the act by the Department of Health and Rehabilitative Services, but does not remove from any other agency any authority such other agency may have under other law. This bill follows the federal law pertaining to hazardous substances and provides intrastate controls such as enjoining unlawful activities and embargo and seizure of hazardous substances.

Public Health - Pesticides: (See Agriculture)

Committee Substitute for House Bill No. 3188 (Chapter 70-52) amends Section 487.021, Florida Statutes, to define "persistent pesticide" as one that will persist in the environment beyond a year after application. The act also amends Section 487.031, Florida Statutes, to add a subsection which regulates the use of persistent pesticides.

Communicable Diseases, Treatment of Minors:

House Bill No. 910 (Chapter 70-58) provides for the treatment, without the consent of the spouse, parent, or guardian, of a minor who has an infectious, contageous or communicable disease. However, upon the decision of the treating physician, he may inform the spouse, parent or guardian as to the treatment given or needed for the minor.

Medical Practice Act:

Senate Bill No. 688 (Chapter 70-92) amends Chapter 458, Florida Statutes, relating to the licensing of physicians by not limiting the applicants for examination to citizens of the United States, but including those who have legally declared the intention of becoming a citizen and have been residents of the United States for a minimum of one year.

This act also adds a new provision giving the Board of Medical Examiners the authority to accept an applicant who shows

that he is either eligible for or has been examined by one of the appropriate American specialty boards accredited by the Council of the American Medical Association.

Another new subsection is added to permit service rendered by a physician's trained assistant, a registered nurse, a registered nurse midwife, or a licensed practical nurse so long as such is done under the supervision of a licensed physician.

STATE INSTITUTIONS

Claims for Patients in State Institutions:

House Bill No. 4899 (Chapter 70-341) amends Section 965.08(3), Florida Statutes, to provide that money received by the Department of Health and Rehabilitative Services in payment of claims for patients shall be deposited in the General Revenue Fund or into a trust fund for the operation of a division with the approval of the Department of Administration. The act also authorizes the Secretary of Health and Rehabilitative Services to allow the Divisions of Youth Services, Retardation, and Mental Health to deposit any funds of children, patients, or residents in their possession, in any bank or invest it in United States bonds. It also requires the interest increment to be deposited in the appropriate welfare trust fund of the aforementioned divisions.

Contracts in Mental Health and Mental Retardation:

House Bill No. 1241 (Chapter 70-290) amends Section 965.071, Florida Statutes, to authorize a county to provide grants and facilities in connection with contracts with nonprofit organizations for services and facilities for authorized mental health and mental retardation programs.

Hospital Insurance for the Mentally Retarded and Physically Handicapped:

House Bill No. 5025 (Chapter 70-187) creates Section 627.0112(5) to direct that insurance policies provide continuation of groups or individual hospital insurance and medical coverage for retarded and physically handicapped dependents who have

attained the limiting age specified in the policy and who are incapable of employment and dependent on the policyholder.

Division of Retardation:

House Bill No. 5168 (Chapter 70-343) is a revision of Chapter 393, Florida Statutes, relating to the Division of Retardation. Obsolete terms have been eliminated, new definitions to provide clarity have been added. Sunland training centers and Sunland hospitals are now called Sunland Centers.

Substantive changes include the following:

(1) Psychological testing, where possible, is provided upon application for admission to a Sunland Center. In the case of voluntary admissions, a new provision prevents retention of a resident for more than 90 days unless he is professionally diagnosed as retarded.

(2) When a parent, guardian, or estate of a child under 21 is able to pay for maintenance, the division shall make appropriate charges to be determined by the Department of Health and Rehabilitative Services. When the resident reaches the age of 21 and has an estate capable of maintaining him in whole or in part, the estate shall be responsible for continued maintenance payments. When a resident reaches the age of 21 a hearing before the county judge shall be held for the purpose of determining competency. The hearing may be held either in the county where the division facility is located or in the county of the original commitment.

(3) A resident may be restored to competency by obtaining a certificate signed by the director and the superintendent, chief physician, or psychologist of the facility in which he is a resident. The certificate is to be filed within 90 days of issuance with the county judge of the county where the order of commitment was entered or in the county where the retarded person resides. A hearing for restoration of competency may also be instituted by petition. Appeal from the order of the county judge is provided, and appointment of an attorney may be made for an indigent incompetent with a reasonable fee set by the county judge and paid out of the county's general fund by the county commissioners.

Community Mental Health Act:

Senate Bill No. 84 (Chapter 70-69) is known as the Community Mental Health Act. It provides for the establishment of mental health boards in service districts. Mental health boards are expected to provide mental health services in one or more counties. The boards are appointed by the governing body or bodies of the county or counties for which the services are to be provided. If a county government has an existing agency dealing primarily with mental health, it may be designated the mental health board. If there is no existing county agency, first priority is given to an existing nonprofit corporation engaged in mental health services. New nonprofit corporations may also apply to be recognized as the mental health board within ninety days after the effective date of the act. In the event that no nonprofit corporation applies for recognition as the mental health board, the governing body or bodies appoint a board of nine to fifteen members.

The board reviews and evaluates mental health needs, services and facilities in its area, receives and disburses funds, reports to the governing body, and appoints a mental health director who may be employed full-time or part-time.

Two or more counties may establish joint programs or contract with each other for services. The board may contract for services to be provided by a hospital, clinic, laboratory, institution and other similar agencies.

No later than October 1 of each year the board adopts and submits to the state director of the Division of Mental Health a district plan for services to be provided in the next state fiscal year (which begins July 1 of the following year). The plan provides an inventory of public and private mental health resources within the board district and sets out priorities for the next fiscal year. The plan also projects needs for a six-year period.

The contribution of the state to the implementation of the district plan shall be 50% of the state approved reimbursable operating cost of services and programs less federal funds, in-patient fees, and one-half of all other patient fees. In each year of participation the state's share shall be increased by 5% to a maximum level of 65% state participation. Community facilities which are now receiving federal funds are phased in to participate in state funding at higher levels up to 65% to compensate for decreasing levels of federal funds.

Local expenditures which are approved for state reimbursement include salaries of personnel; facilities and services provided by contract; operation, maintenance and service costs; depreciation of facilities. State funds shall not be used for initial capital improvements, purchase, or construction of buildings. Each board district shall maintain records to provide the state director with information to enable him to establish and maintain an accounting system.

Juvenile Detention Facilities:

Senate Bill No. 328 (Chapter 70-353) provides that inspectors of juvenile detention facilities under the direction of the director of the Division of Youth Services shall inspect all juvenule detention facilities at least once semiannually. Reports are to be made in duplicate, one to be sent to the Division of Youth Services and one to the appropriate officials in the county in which the facility is located.

"Juvenile detention facility" is defined by Senate Bill No. 328. It also gives the secretary of the Department of Health and Rehabilitative Services the direction to adopt rules and regulations regarding the general maintenance and the cleanliness and sanitation of juvenile facilities. Inspections are to determine whether the above mentioned standards are being met. If in any case such standards are not being met the secretary may certify to the juvenile court and the court may order such deficiency corrected or shall order the children to be removed to a facility that does meet the requirements.

This bill allows children in need of a psychological evaluation to be transferred to the Division of Mental Health and Mental Retardation for a period not to exceed ninety days. It provides also for an exceptional child education program within the juvenile detention facilities of the Division of Youth Services.

INSURANCE

The 1970 session produced major legislation to protect Floridians from the consequences of insurer insolvencies. Company financial transaction requirements were tightened. Department of Insurance examination and delinquency procedures were also strengthened. An Association was created to pay an insolvent carrier's claims.

In addition, legislation was enacted to increase availability or continuation of windstorm, medical and automobile coverages. Florida's property and casualty open competition rating laws were retained but modified by requiring the use of certain factors in rate formulation and restricting concerted action among companies.

Delinquency; Insolvency:

Of major import, House Bill No. 4163, Chapter 70-20, creates the Florida Insurance Guarantee Association to be financed and operated by Florida licensed insurers under Insurance Department regulation. Its purpose is the protection of insureds and third party claimants by paying or defending claims incurred by an insolvent insurer. It encompasses all direct lines of insurance other than life, title, surety, disability, credit, mortgage guarantee and wet marine.

Claims must be in excess of $100 and less than $300,000; however, Workmen's Compensation claims are honored in full. Funds for the Association's operations will be obtained by retrospectively assessing companies, writing the same type of coverage, a maximum of 1% of the preceding year's premium volume.

House Bill No. 4114, Chapter 70-27, effects substantial changes in the rehabilitation and liquidation laws. To prevent destruction or removal of assets and records from an impaired company, one of the

bill's prime features authorizes their prompt seizure and conservation by the Department of Insurance under judicial summary proceedings. The grounds for rehabilitation are enlarged to include dishonest, incompetent and deadlocked management. Certain detrimental transfers of property and assets occurring within one year of filing a successful delinquency petition may be void or voidable. Officials, agents or adjusters failing to cooperate with the Department's investigations and proceedings will be guilty of a misdemeanor.

Senate Bill No. 221, Chapter 70-122, provides that the Department shall require an insurer to replace within 90 days an asset not valued according to law, provided that its removal would financially impair the company. To prevent the draining of a company's assets, Senate Bill No. 183, Chapter 70-68, limits stockholders dividends in any one year to 10% of surplus unless approved by the Department. This is not applicable, however, to dividends derived from the net operating profits and capital gains realized during the preceding calendar year.

Senate Bill No. 184, Chapter 70-28, prohibits the payment of premiums on insurance contracts with securities, real estate, etc., by limiting payment to coin, currency, checks and money orders. Reinsurance and certain methods of paying for life insurance are excluded from the bill's provisions. Senate Bill No. 180, Chapter 70-66, contains substantially similar provisions to Senate Bill No. 184, but pertains to single premium life insurance policies exclusively.

House Bill No. 4098, Chapter 70-319, requires the Department of Insurance to approve the commissions received by officers and others having effective control of the insurance company.

House Bill No. 5164, Chapter 70-188, enlarges the types and range of investments a domestic insurer may acquire without obtaining consent from the Department of Insurance. The purchase of stocks of foreign corporations, if traded on an American securities exchange, will be permissible. The term of eligible collateral

loans is increased from five years to 12 years but may not be renewed beyond this time limit. An eligible acquisition is broadened from an interest or dividend paying investment or security to one which entitles the insurer to receive such payments when declared or paid. Senate Bill No. 1073, Chapter 70-436, permits title insurance companies to invest up to 50% of its policyholders' surplus, above the required minimum surplus of $200,000, in its abstract plants.

Financial Requirements; Examinations:

Committee Substitute for House Bill No. 403, Chapter 70-56, requires that supplemental data given in support of a financial statement filing be verified under the oath of two company officers. They are held responsible when their names are signed, by proper authority, to the annual statement or supplemental data.

House Bill No. 401, Chapter 70-11, provides felony penalties for the false promulgation of an insurer's financial condition with the intent to deceive any lawfully appointed agent, examiner or public official. In order that the Department's financial examinations may be of record, House Bill No. 4191, Chapter 70-324, requires that such examination be pursuant to a written order by the Commissioner. The order terminates upon receipt by the Department of the written report of the examiner-in-charge.

Senate Bill No. 182, Chapter 70-55, grants the Department of Insurance the authority to examine holding companies as to their insurance operations. The Department is also empowered to examine others who propose to operate an insurance company or who engage in the production of insurance business for an insurer. For the first time it gives direct access to the records of general agents for examination purposes.

House Bill No. 4091, Chapter 70-177, has been publicized as the "anti-mafia bill." It requires Department of Insurance

prior approval for direct or indirect acquisitions involving a domestic insurer's controlling capital stock, i.e., shares, sufficient to give the power to exercise a "controlling influence" over management. Approval must also be obtained for a proposed transfer affecting a company's assets, thereby changing its control. House Bill No. 4113, Chapter 70-323, requires Department notification by foreign insurers within 30 days after such changes in ownership, control or assets.

Officials who should reasonably have knowledge of their company's insolvency are prohibited from permitting the solicitation or acceptance of coverage without Department approval. Such violation is a felony under House Bill No. 4097, Chapter 70-178.

Two bills sponsored by the House Insurance Committee were made a part of the Appropriations Bill as enacted. House Bill No. 4093 authorized the employment of ten additional rate analysts for the Department of Insurance. To provide the Commissioner with expert opinion on the values of stocks and bonds in companies' portfolios, House Bill No. 4096 established an office of security analysis.

Rates:

House Bill No. 4104, Chapter 70-179, amends present property casualty and surety rating laws by requiring the use, rather than mere consideration, of certain factors in the setting of rates. Direct or indirect participation by insurers in the deliberations or decisions of rating organizations are prohibited by House Bill No. 4100, Chapter 70-320. Individual insurers, in determining their own rates, may modify the rate indications received from these organizations according to their individual experience.

House Bill No. 4101, Chapter 70-321, requires insurers (or rating organizations who file rates for them) to provide the Department of Insurance with a copy of their rates, rating schedules and manuals, and any changes thereto within 30 days after their effective dates. The Department shall make this information available to the public.

Coverage:

As a result of the findings of the House Subcommittee on Insurance, a windstorm apportionment plan is created by House Bill No. 4192, Chapter 70-234, requiring property insurers to provide such coverage in Monroe County. The Plan may be enlarged to other areas as determined by Insurance Department hearing to be economically harmed by the unavailability of windstorm protection.

House Bill No. 4107, Chapter 70-213, reduces to three the permitted grounds for cancellation of a private passenger automobile policy that has been in effect 60 or more days. These are nonpayment of premium; material misrepresentation or fraud in securing the insurance or automobile registration; or suspension or revocation of drivers' license or registration.

House Bill No. 5025, Chapter 70-187, provides that hospital and medical coverage shall continue to insure the mentally retarded or physically handicapped unemployable dependents of policyholders. Such coverage shall continue regardless of policy provisions setting a cut-off age for dependents.

Attorney Fees:

House Bill No. 4102, Chapter 70-322, applying to wet marine and transportation insurance, and Senate Bill No. 204, Chapter 70-371, pertaining to credit life insurance, requires that insured's or beneficiaries' attorney fees be included in a judgment entered against such insurers. This requirement is presently applicable to most other types of coverage.

Life and Disability Insurance:

Senate Bill No. 410, Chapter 70-376, deletes special procedures for the disposition of life insurance proceeds payable to the insured's estate by providing that they shall be treated as other assets in the estate and administered in accordance with the probate laws.

Committee Substitute for House Bill No. 354, Chapter 70-10, permits an insured to make an absolute assignment of all incidents of ownership, including the conversion privilege, in group life and disability policies. This legislation was necessary to comply with an Internal Revenue Ruling which allows such assignment to eliminate group life proceeds from federal estate taxes.

State Insurance:

Senate Bill No. 586, Chapter 70-272, creates the Florida Fire Insurance Trust Fund, which broadens the present fund by extending self-insurance coverage from fire insurance only to fire and extended coverage on all state owned buildings and on certain contents of owned or leased buildings. Commercial property insurance, other than reinsurance is eliminated for these risks.

The premiums charged are no longer based on rates usually charged by insurance companies, but are to be determined retrospectively based on the fund's actual losses and expenses. Such premiums will be paid, not as presently, from the General Revenue Fund, but by each benefiting agency from its operating budget.

Senate Bill No. 1053, Chapter 70-435, provides that no primary insurance shall be purchased on such personal property as watercraft, livestock, glass, museum artifacts and miscellaneous equipment. The purchase of primary physical damage insurance on motor vehicles is prohibited, as is aircraft hull coverage, separate vandalism policies and loss of rental income coverage on buildings unless required by the revenue certificates financing them. Reinsurance may be purchased for motor vehicles, air and watercraft, and miscellaneous equipment with a value of more than $50,000.

Taxes; Fees:

Senate Bill No. 1557, Chapter 70-207, increases the State Fire Marshal's regulatory assessment from 3/8% to 5/8%. This tax

is levied on the gross amount of fire insurance premiums collected by companies.

Senate Bill No. 1582, Chapter 70-208, increases appointment fees for general lines agents and solicitors from $15 to $20 and adjusters' fees from $10 to $20.

Claims:

Senate Bill No. 900, Chapter 70-420, has the reduction of automobile collision and property damage claims as a prime objective. Automobiles built in 1973 and 1974, sold and licensed in the state, are to be equipped with energy absorbing bumpers and guaranteed as to their ability to sustain, without damage, a five mph collision with a standard test barrier. The speed factor will be raised to ten mph for cars built in 1975 and thereafter. Existing passenger safety standards are not be be compromised in achieving these physical standards.

LABOR AND INDUSTRY

The Legislature considered a number of bills affecting management and labor but the only real gains made were increased benefits in unemployment and workmen's compensation. A Legislative Commission on Migrant Labor was established and several local bills were enacted giving public employees the right to bargain collectively with their public employers.

Migrant Labor:

House Bill No. 3789, Chapter 70-131, creates a permanent six-member joint Legislative Commission on Migrant Labor, which is authorized to establish an advisory committee and which is charged with legislative supervision of Florida programs affecting the health, welfare and education of migrant farm workers and providing continuity in the administration, application and effectiveness of migrant labor programs from state to state. Further implementing this purpose, the act proposes an Interstate Migrant Labor Compact, through which the member states would formally organize to accomplish these ends. Each member state would have a five-member delegation to the Compact. The act provides for the Florida membership to include the Governor or the Secretary of the Department of Community Affairs as his representative, two legislators from the legislative commission, and at least one member of the advisory committee.

Collective Bargaining for Public Employees:

All general bills relating to collective bargaining for public employees failed. The two most important measures introduced during the 1970 session were a collective bargaining bill

applying to all public employees and a general bill which applied only to police and firemen. The former authorized collective bargaining; established grievance procedures and provided for impasse, mediation and fact finding but made no provision for binding arbitration. The latter authorized collective bargaining and provided for binding arbitration. Although the 1970 Legislature did not act on statewide collective bargaining, it did pass five local bills on the subject, which were subsequently vetoed by the Governor.

Workmen's Compensation:

The 1970 Legislature passed six measures pertaining to workmen's compensation and two pertaining to unemployment compensation. The Legislature took a positive step to relieve Industrial Claims Courts judges of some of the heavy work load they now have through the passage of Committee Substitute for House Bill No. 3805, Chapter 70-313, which increases the maximum number of judges of Industrial Claims Courts from 20 to 25 and authorizes the appointment of a former judge or judges pro hoc vice to complete any claims pending at the expiration of his term of office. In addition, the General Appropriations Act increases salaries of the 23 judges of Industrial Claims Courts from $18,500 to $20,000, effective January 5, 1971.

Three bills were passed pertaining to employee payments or benefits. The first bill, House Bill No. 3626, Chapter 70-172, increases the present maximum weekly limit under workmen's compensation from $49 to $56 and the minimum limit from $8 to $12, effective July 1, 1970. The second bill, Committee Substitute for House Bill No. 3804, Chapter 70-312, permits recovery for subsequent injuries to an employee despite previous impairment or disease, as well as previous disability, and provides that compensation received for a previous permanent partial disability, impairment or disease, is to be deducted from the compensation payable for a subsequent permanent partial disability but in no event can the compensation for the permanent partial disability be less than that allowed for the degree of disability that would have resulted from the subsequent injury or occupational disease if the previous disability had not existed, and finally Senate Bill No. 553, Chapter 70-71, provide for temporary total disability payments during any reasonable period

for training in the use of artificial members and appliances and while the employee may be receiving education and training under a rehabilitative program pursuant to Section 440.49, Florida Statutes. This act becomes effective July 1, 1970.

Senate Bill No. 554, Chapter 70-148, broadens the applicability of the provisions of Chapter 440, Florida Statutes, to cover all employers and employees as defined in the chapter and bars from a defense of negligence by an employee any employer who fails to secure the payment of compensation required by Section 440.38, Florida Statutes. An employer, if a self- insurer, or the insurance carrier, is authorized to institute suit against the third party tort-feasor after giving 30 days notice to the injured employer or his dependants and the injured employee's attorney, if represented by counsel.

The remaining three measures relate to the employer and the carrier. The first, Senate Bill No. 583, Chapter 70-25, extends the exclusiveness of the liability of an employer to his insurance carrier, service agent, or safety consultant by limiting their liability as a third party, and is effective July 1, 1970. House Bill No. 388, Chapter 70-30, requires insurance carriers who write compensation insurance to register with the Division of Labor and Employment Opportunities of the Department of Commerce, and to pay the Division a $100 registration fee. It also provides that, upon failure of a carrier to comply with said requirement, the Division may request the Department of Insurance to suspend or revoke the carrier's authorization to write such insurance. This act becomes effective August 4, 1970. The third measure, House Bill No. 1739, Chapter 70-296, clarifies existing law and interpretation relative to noncharging of benefits to the accounts of employers of part-time workers.

Unemployment Compensation:

There were two laws enacted relating to unemployment compensation. Senate Bill No. 552, Chapter 70-87, which requires repayment of unemployment compensation mistakenly received, or in

the discretion of the Division of Labor and Employment Opportunities, the amounts so mistakenly received may be deducted from future benefits; however, such repayment or recoupment must be made within two years after the determination of the Division that overpayment has been made. This measure is effective July 1, 1970. House Bill No. 860 Chapter 70-166, increases the maximum weekly benefit allowance under unemployment compensation from $40 to $47 and repeals certain obsolete transition provisions. The increases in benefits begin January 1, 1971.

LEGISLATURE

Several measures concerning the Legislature and its services were adopted by the 1970 session. Section 11.111, Florida Statutes, relating to continuances of causes in which a legislator is an attorney or other representative, was extended to include committee work days and travel time necessary thereto, as well as during the sessions themselves, House Bill No. 346 (Chapter 70-28). The statute was made applicable also to proceedings in which a legislator is a party or a witness.

House Bill No. 4519 (Chapter 70-181) repealed the provision of the 1885 Constitution which prohibited a legislator from being appointed or elected to a civil office created during the time for which he was elected or the emoluments of which were increased during that time, and which had become a statute under the 1968 revision. Stringent semiannual financial disclosures of receipts and expenditures by various elected public officials was adopted in Senate Bill No. 1389 (Chapter 70-230). See ELECTIONS section for further explanation.

The responsibilities of the Legislative Printing Committee (composed of the presiding officers and the membership of the Joint Legislative Management Committee) were extended. When created by the 1969 session, the Committee was given supervision of the printing of pamphlet laws, session laws. and Florida Statutes and the letting of the legislative printing contract. The 1970 session extended the Committee's responsibilities to the distribution of the session laws and Florida Statutes, the exchange of same with other states, the maintenance of the printed volumes until distributed, and the receipt of moneys for the sale of such volumes. A new list of official

distribution for the Florida Statutes was adopted and the Printing Committee was authorized to require the biennial printing of the Florida Statutes on an even year basis with the enactments of intervening sessions printed in supplementary form. The Committee is to study other forms of statute publication. Senate Bill No. 1158 (Chapter 70-157), Senate Bill No. 88 (Chapter 70-76), House Bill No. 3051 (Chapter 70-169), Senate Bill No. 881 (Chapter 70-245).

Two study measures were adopted: House Concurrent Resolution No. 5038 creates a joint committee on South Florida Area Regional Organization to study the possibility of a regional government for the area comprising Broward, Collier, Dade, Monroe and Palm Beach counties. The Committee, composed of five senators and five representatives, shall also determine which of specified governmental functions should be handled wholly or partially on a regional basis and what the powers, finances, representation and name of such regional government should be. The Committee is required to meet in each of the five counties for the receipt of views of the public and is required to make a report not later than March 1, 1972. The expenses of the Committee and its staff, equivalent to that of a standing committee, are to be paid from legislative expense and donated funds. While the study is to be made by the joint committee, local governments are to specify their areas of concern and to cooperate fully. Senate Concurrent Resolution No. 790 authorized the appointment of an advisory committee on criminal justice to be composed of ten distinguished Floridians, not members of the Legislature, five appointed by the Senate President and five by the Speaker of the House. The duty of the advisory committee is to review the constitutional laws of Florida relating to crime and criminal acts and to make recommendations to the Legislature for needed revisions and change. It is to give careful consideration to the American Bar Association's standards of criminal justice and is to report by the 1971 regular session. It is to work with the special advisory committee on practice and procedure appointed by the Florida Supreme Court in March 1970 and with the chairman of the Subcommittee on Law and Order of the Senate Judiciary Committee and the chairman of the

Committee on Crime and Law Enforcement of the House of Representatives.

House Bill No. 3789 (Chapter 70-131) created the Legislative Commission on Migrant Labor, a permanent six-member joint committee which is authorized to establish an advisory committee and is charged with maintaining legislative supervision of the Florida programs affecting the health, welfare and education of migrant farm workers and devising means to establish continuity in the administration, application and effectiveness of migrant labor programs from state to state. Further implementing this purpose, the act proposes an Interstate Migrant Labor Compact through which the member states would formally organize to accomplish these ends. Each member state would have a five-member delegation to the Compact. The act provides for the Florida membership to include the Governor or the Secretary of the Department of Community Affairs as his representative, two legislators from the legislative commission, and at least one member of the advisory committee.

LOCAL GOVERNMENT

Counties:

House Bill No. 887 (Chapter 70-282) authorizes a board of county commissioners to consolidate its separate budgetary funds into a single general fund. The act is designed, when implemented by the county, to simplify the accounting system provided by law and facilitate a better understanding of the fiscal operation of the county. The board may levy the total of the separate millages - must keep road and bridge separate.

House Bill No. 1140 (Chapter 70-13) amends Section 253.122(4) by increasing to ninety days the time allowed boards of county commissioners or a governing body of any municipality to act on application by upland owner to fix bulkhead line or lines before owner may file such application with the Trustees of the Internal Improvement Board. This law takes effect on October 1, 1970.

County governments were granted additional authority in mental retardation programs with the passage of House Bill No. 1241 (Chapter 70-290). The boards of county commissioners may provide monetary grants and facilities and enter into renewable contracts for periods of not more than two years with specific institutions or nonprofit organizations that qualify. This law became effective on July 1, 1970.

The statutes dealing with processes and procedures of property taxation were substantially amended and simplified by Committee Substitute for House Bill No. 4687 (Chapter 70-243), which repealed numerous sections of Chapters 192, 193, 194 and 195 of the Florida Statutes. This act revised, simplified and clarified the law of property taxation, being

called by its sponsors "The Technical Amendments Act of 1970". This bill also requires tax collectors now to notify each taxpayer of all taxes due on each parcel.

House Bill No. 4030 (Chapter 70-246) requires that the commissions due the county tax collectors and county tax assessors on all nonvoted school millage be paid by the county commissioners.

Senate Bill No. 1021 (Chapter 70-433) provides means by which persons owning at least ten percent of the property in an unincorporated area may petition the county commission to hold a referendum to establish a water and sewerage system district. This new provision is in addition to present law which provides for the establishment of such a district by the county commission.

County Home Rule:

House Bill No. 4753 (Chapter 70-388) is amended to provide that judges of courts which are created by home rule charter counties shall also serve as committing magistrates and conservators of the peace, where there are five or less justices of the peace.

The Legislature further assisted counties in the exercise of home rule powers by the passage of Senate Bill No. 925 which provided that future ordinances need only be published by title prior to adoption. In addition, Senate Bill No. 1561 (Chapter 70-452) made the violation of ordinances a misdemeanor.

The passage of Senate Bill No. 1469 (Chapter 70-229) created industrial development authorities in each county (upon approval of the board of county commissioners) with authority to issue revenue bonds to finance the cost of industrial and manufacturing projects, including pollution control projects.

County Officers:

Clerks of courts of record were added to the uniform pay plan for county officers, adopted in 1969 by Senate Bill No. 1359 (Chapter 70-227). Sheriffs and supervisors of elections had their

Salaries under the plan increased by Senate Bills No. 615 (Chapter 70-395) and No. 986 (Chapter 70-429), respectively. Senate Bills No. 1324 (Chapter 70-445) and No. 869 (Chapter 70-419) protect county officers from decreases in salary, the former by specifying that when the total compensation of a county officer exceeds that payable under the 1969 plan, that salary shall prevail until the termination of that officer's term of office, and the latter by prohibiting salary reductions for officers prior to January 1973.

A new system of service charges to replace fees, and revised duties for clerks of the circuit courts were provided by Senate Bill No. 70 (Chapter 70-134).

Municipalities:

House Bill No. 1127 (Chapter 70-287) provides an alternate method by which one municipality may annex or be annexed to another. Then the governing body of the municipality seeking to annex or to be annexed (or annexed to) does not concur in the ordinance of the other municipality (seeking to annex or be annexed to) within thirty days after receipt of the ordinance, then fifteen percent of the registered voters, by petition duly presented to said council within sixty days thereafter, may require an election be held as provided in Section 171.09(1), Florida Statutes. This law takes effect on October 1, 1970.

The Department of Community Affairs, with passage of House Bill No. 5096 (Chapter 70-121) is now the authorized state agency to accept and disburse funds from all sources in order to carry out: advisory and informational services to local governments; community development training under Title VIII of Housing Act of 1954; local planning assistance under Section 701 of the Housing Act of 1954; and model cities technical assistance under Section 701 of 1954 Housing Act.

House Bill No. 4731 (Chapter 70-337) amends Sections 95.36(1) and 167.09(2), Florida Statutes, to provide that title held by municipalities to lands dedicated and used for park purposes, which have been vacated or use discontinued,

shall not be challenged in any legal proceeding, except for fraud.

Senate Bill No. 509 (Chapter 70-387) amends existing law to require that when municipal property is leased for nonpublic use, the property must be let by competitive bid. Previously, the only requirement was that "reasonable rent" be paid.

Cities and Counties:

House Bill No. 1847 (Chapter 70-103) requires that all laws which purport to convey title to real property from one governmental agency or political subdivision to another shall be recorded in the public records of the county or counties in which the property is located and such laws shall contain a provision requiring such recording. This law becomes effective October 1, 1970.

Senate Bill No. 408 (Chapter 70-408) requires cities, counties and municipalities to cooperatively put into effect, when practicable, the use of the number 911 as an emergency number for contacting law enforcement agencies and other organizations providing emergency services.

Local Government Employees:

House Bill No. 5276 (Chapter 70-346) amends Section 561.25, Florida Statutes, to allow local law enforcement officers to be employed as security officers by businesses licensed under the beverage laws to sell beverages with alcoholic content of not more than twenty-eight percent.

A minimum foundation program for policemen was established by the Legislature, and a commission to report in 1971 was created and directed to formulate the data needed to provide a similar program for firemen. Senate Bill No. 24 (Chapter 70-200) appropriated $900,000 for fiscal 1970-71 to provide the state share of a matching program to provide a minimum $5,400 salary, per year, for policemen, and to provide merit increases for deserving police earning above the minimum. Senate Bill No. 146 recreates a twelve-member Firemens'

Standards Council and charges it to report to the 1971 Legislature the necessary information to implement a minimum foundation program for firemen.

A uniform consolidated retirement system for most new state and local government employees was created by Committee Substitute for Senate Bill No. 444 (Chapter 70-112). Existing employees may elect to continue under their present plans or to transfer to the new plan.

The Code of Ethics for public officers and employees was further strengthened by Senate Bill No. 463 (Chapter 70-144), which provides the additional penalty of misdemeanor for violations of the Code.

Home Rule and Consolidation:

House Bill No. 5271 (Chapter 70-924) creates the St. Lucie County Local Government Study Commission to make a comprehensive study of the structure, functions and operations of all governmental units within St. Lucie County. The Commission shall determine the need for any revisions and prepare a draft of a plan or plans including a charter, if desirable, and present same in the form of a special act or acts to a joint meeting of the members of the Legislature representing St. Lucie County and members of the governing body of each governmental unit affected thereby. This act shall not become effective until approved by the electors of the county in a referendum.

House Bill No. 5488 (Chapter 70-726) proposes a single government for Hillsborough County and all municipalities except Plant City and Temple Terrace. Approval of this proposed charter by the electors of the county in the next general election will mark the beginning of a transition to a new form of government for the area. The bill, when effective, provides for the abolishment of existing governments and boards, with certain exceptions in the county, and consolidation or restructuring of others to provide a more efficient service.

House Bill No. 5288 (Chapter 70-874) is an act merging the cities of Panama City Beach, Edgewater Gulf Beach, Long Beach Resort and West Panama City Beach. This consolidation involved mostly commercial areas but will enable better utilization of municipal services.

A new approach to meeting specific local government services which are of a regional nature is a possibility with the passage of House Concurrent Resolution No. 5038. The resolution establishes a joint committee on "South Florida Regional Organization" to study the possibilities of forming a regional government to perform and administer those services which are common to Broward, Collier, Dade, Monroe and Palm Beach Counties.

Another local bill of significant interest was House Bill No. 5449 (Chapter 70-681) proposing the consolidation of the governments of Pensacola, South Flomaton and Escambia County. The question will be presented to the electors of Escambia County at the general election in November. This bill will abolish the existing governments and create a single government but will retain the elected constitutional county officers. The charter provides a management form of government.

Finance and Taxation:

House Bill No. 3813 (Chapter 70-18) grants authority to each county, school district, municipality, special district and local government body with taxing powers to hold in conjunction with a bond election held pursuant to the requirements of Section 12 of Article VII, Constitution of Florida, as revised in 1968, an additional bond election in which all qualified electors of such special district or local government body shall be entitled to vote on the question of issuing such bonds. This authority is granted so that, in the event such freeholder elections are held invalid by the United States Supreme Court, then such bond issues would be validated by a majority of the electors voting in such election.

Cities and counties levying millage in excess of constitutionl limitations were allowed to continue taxation at existing levels without a referendum until January 1, 1972, by Senate Bill No. 155 (Chapter 70-368).

Community Mental Health:

Senate Bill No. 84 (Chapter 70-109) authorized the formation of community mental health boards, appointed by local governing bodies, in districts throughout the state. A board is empowered to appoint a local mental health director and is required to submit, annually, for approval, to the Division of Mental Health, a plan for the provision of needed services, including an application for state matching funds.

Air and Water Pollution:

A pollution control measure of direct interest to local governments was enacted by Senate Bill No. 407 (Chapter 70-82) which prohibits future construction of ocean outfall sewage disposal systems which do not provide at least secondary treatment, or whatever additional treatment the Department of Air and Water Pollution Control may require. Existing ocean outfalls must conform to these specifications by January 1974, or face a $500 per day fine.

Air and water pollution controls were considered by many as one of the more significant areas of concern by the 1970 Legislature. House Bill No. 3854 (Chapter 70-251) set up the "Florida Water Pollution Control and Sewage Treatment Plant Grant Act of 1970" which provides establishment of a pollution control fund to be appropriated by the Legislature and administered by the Air and Water Pollution Control Board to provide grants to local agencies when plans are approved and projects are eligible for federal funds.

Committee Substitute for House Joint Resolutions No. 3853 and 4040 proposes an amendment to Article VII of the Constitution of Florida which would permit the issuance, when authorized by law, of state bonds for the construction of

air and water pollution control and abatement and solid waste disposal facilities to be operated by local governments, authorities or other governmental agencies. Such bonds would be secured by pledge of revenues or rentals from operation of facilities and in addition, secured by full faith and credit of the State of Florida. The amendment would provide for pledge of full faith and credit of counties, municipalities, districts, authorities and other governmental agencies; also provides for loans to local government agencies.

Committee Substitute for House Bill No. 4523 (Chapter 70-270) would implement the provisions of Article VII, Section 14, of the Florida Constitution upon ratification thereof by the electors. Authorizes issuance of state bonds to finance air and water pollution control and solid waste disposal facilities - designates the State Board of Administration as fiscal agency to make determinations required - Department of General Services, Division of Bond Finance, will determine amount of such state bonds to be issued with maximum of $100 million in any state fiscal year. Facilities to be financed must be determined and approved by Department of Air and Water Pollution Control Board. All of the provisions of this act are null and void if said Section 14 is rejected by the electors.

PUBLIC OFFICERS, PUBLIC EMPLOYMENT AND STATE ADMINISTERED RETIREMENT SYSTEMS

The 1970 session of the Legislature enacted some of the most significant legislation in the field of public retirement ever enacted in the State of Florida. In addition several laws of major significance were passed relating to public officers and employees.

Public Officers and Public Employment:

Section 110.092, Florida Statutes, which prohibits state employees in the classified service from holding or being a candidate for public or political office while employed by the state was modified by House Bill No. 510 (Chapter 70-277), effective October 1, 1970, to permit such an employee to be a candidate for and hold a local public office which involves no interest which conflicts or interferes with his state employment when authorized by his agency head and approved by the Division of Personnel and Retirement under rules to be established by said Division. This same section of the statutes was also amended by Senate Bill No. 1422 (Chapter 70-448) to permit state employees to pay private employment agencies licensed under Chapter 449, Florida Statutes, for securing positions with the state where the service of the private employment agency was requested by a state agency, board or department. Acts relating to semiannual financial statements of elected officers and resignation as prerequisite for running for another office are discussed under ELECTIONS.

State officers and employees of the Department of Transportation are prohibited by Senate Bill No. 244 (Chapter 70-123) from accepting or soliciting directly or indirectly funds from any person who has, maintains or seeks business relations with the Department of Transportation. Violations are declared to be a misdemeanor and offending officers or employees are subject to

removal from office or employment.

The state law relating to Standards of Conduct for Public Officers and Employees (Part III, Chapter 112, F. S.), was amended by Senate Bill No. 463 (Chapter 70-144) to provide that violations of this law would constitute a misdemeanor and be punishable by a fine not exceeding $1,000 or imprisonment not exceeding one year. Subsection (3) of Section 112.314, F. S., was repealed. The law made it illegal for a business firm which has a public officer or employee as a member, director, agent or officer to sell goods or service to any other business firm which is licensed or regulated in any manner by the public agency or political subdivision in which the officer or employee serves.

The Department of General Services is authorized by House Bill No. 3373 (Chapter 70-249) to rent reserved parking spaces to state employees, collect the parking fees by payroll deduction and use such fees for the construction and maintenance of state parking facilities in the capitol center.

The law relating to veterans preference in public employment (Section 295.07, F. S.) was amended by House Bill No. 363 (Chapter 70-7) to extend the preference to ex-servicemen who have served more than 180 days after January 31, 1955 (excluding an initial period of active duty for training under the "six month" reserve or National Guard programs) and to those who have received an armed forces expeditionary medal, Vietnam Service Medal, campaign badge or service medal.

The amount of secondary gas tax funds which a county may budget for the salary of full-time county engineers was increased from $10,000 per year to $20,000 per year by House Bill No. 4071 (Chapter 70-253) and counties who employ part-time engineers were authorized to budget up to $10,000 per year from secondary gas tax funds for such a purpose.

A minimum foundation program for local law enforcement officers was established by Committee Substitute to Senate Bill No. 24 (Chapter 70-200). Under this program the state will provide lump sum grants to local units of government on May 1, 1971 and thereafter. During the years 1971 and 1972 the program will

be financed jointly by state and local units with special emphasis on raising the minimum salary of qualified law enforcement officers to $5,400 per year. The state's contribution for the 1970-71 fiscal year is to be financed from a general revenue appropriation of $900,000 made by the Act. This appropriation is to be transferred to the "Law Enforcement Officers' Minimum Foundation Trust Fund" into which federal and other grants available for such purposes may be deposited. A continuing salary and retirement study is required to be made by the Police Standards Council in cooperation with the Legislative Service Bureau and the appropriate standing committees of the House and Senate with its report and recommendations being made to the 1971 session of the Legislature.

A Fire Fighters Standards Council composed of nine members appointed by the Governor and confirmed by the Senate was created within the Department of Community Affairs by Committee Substitute for Senate Bill No. 146 (Chapter 70-110). Six of the members are required to be fire fighters of varying ranks and the remaining three members are to be citizens of the state. Members are to serve staggered terms of four years. The council is required to make a comprehensive study of fire protection throughout the state as provided in Part IV of Chapter 163, F. S., and report its findings and recommendations to each regular session of the Legislature.

Generally the salaries of county officials were not changed, except for the sheriffs and supervisors of elections, as noted in section on LOCAL GOVERNMENT. Senate Bill No. 1324 (Chapter 70-445) did permit those officers who prior to July 1, 1969 were receiving a salary greater than the uniform salary as established by Chapter 145, F. S., to continue to draw the larger salary until expiration of their present term of office and any board of county commissioners which had not authorized an additional monthly expense allowance of the chairman prior to July 1, 1969, was permitted to authorize such an allowance of up to $50 per month without such allowance being considered a part of the chairman's income from office.

The statute relating to the filling of vacancies by appointment of the Governor was amended by Senate Bill No. 499 (Chapter 70-385) to provide that each secretary or division director of departments of state government required to be appointed by the Governor and confirmed by the Senate shall serve at the pleasure of the Governor and the appointment will run concurrently with the term of the Governor making the appointment. If a Governor is elected for a second term each secretary and division director shall be reappointed or replaced by a new appointment. Reappointments to the same office are made subject to confirmation or reconfirmation by the Senate.

The procedures for confirmation by the Senate of appointments by the Governor were amended by Senate Bill No. 500 (Chapter 70-386) to provide that action by the Senate on any appointment made during an interim or during a special session or sent to the Senate during the last fifteen days of any regular session is deferred until the next ensuing regular session, unless the Senate votes to act earlier. If the Senate fails to act on an appointment during the session in which it is required to act, the appointee serves only until the last day of that session. The Senate is required to notify the Governor and Secretary of State of its approval or rejection of an appointee or its failures to act on the appointment.

Florida Retirement System:

Committee Substitute for Senate Bill No. 444 (Chapter 70-112) establishes a consolidated "Florida Retirement System" effective December 1, 1970, to be administered by the director of the Division of Personnel and Retirement. Membership in the new system is required for all new state and county employees, school teachers and highway patrolmen employed, as well as all new state and county officers taking office after that date. The rights of members of existing retirement systems established by Chapters 122, 238 and 321, F. S., are preserved and in no way impaired, but such members may elect between April 15, 1971 and June 1, 1971, to transfer to the "Florida Retirement System" and

at retirement have their retirement benefits calculated in accordance with the new law. This law provides for the consolidation of the assets and liabilities of all retirement trust funds and for combining the laws constituting the existing systems, excluding the laws and funds of the judicial retirement system. Social security coverage is required for all members of the new system.

All municipalities eligible to participate in cigarette tax distributions under Chapter 210, F. S., and special districts created by or pursuant to legislative act may on their application bring all or certain approved groups ("units") of their employees under the Florida Retirement System if approved for social security coverage by the United States Secretary of Health, Education and Welfare and approved for membership by the administrator. Credit for prior municipal service is given under stipulated conditions, provided the appropriate payments are made either by the municipality or its employees. The rights of members of existing local retirement systems are protected if they elect to remain in their existing system when a municipality elects to bring its employees under the Florida Retirement System. Municipal firemen and policemen who are members of a municipal retirement system participating under Chapters 175 and 185, F. S., are eligible for membership only after a referendum with a majority electing coverage.

Membership in the new retirement system is divided into two classes: regular and special risk. "Special risk members" includes all members employed in the field of law enforcement or fire protection whose duties are certified to be hazardous by their employer and approved by the administrator. Regular members contribute four percent and special risk members contribute six percent of gross compensation, plus required social security contributions (currently 4.8 percent of the first $7,800 per year with the percentage increasing to 5.2 percent on January 1, 1971). These contributions are to be matched by the employing agency and the total remitted monthly to the administrator. The normal retirement date and age for regular members is age 62 or 35

continuous years of creditable service regardless of age, and for special risk members it is age 55 or 25 continuous years of creditable service.

Retirement benefits for regular members at normal retirement date under the new plan is 1.60 percent times the years of creditable service (under the new system) multiplied by the average final compensation, which is defined as the average of the five best of the last ten years of creditable service. For a member retiring after his normal retirement date the basic percentage is increased as follows: after one year, 1.63 percent; two years, 1.65 percent and three years, 1.68 percent. Special risk members earn retirement credit at the rate of two percent for each year of creditable service as a special risk member. The retirement benefits under the new system are adjusted by the normal retirement benefit credit brought forward by a former member of an existing system transferring to the new plan. For those transferring, the average final compensation is permitted to be the average of the five best of the last ten years in calculating the retirement credit brought forward.

Members of the existing systems (teachers, state and county and highway patrol) who retire or become disabled prior to April 15, 1971, may use the five-year average in calculating their average final compensation even though they retire under their existing systems.

A member becoming totally and permanently disabled based on admissible causes is eligible for disability retirement after five years of creditable service or immediately upon becoming a member if disability is suffered in line of duty. A minimum disability benefit of 42 percent of the average final compensation is provided for in-line-of-duty disability and 25 percent of said average for other disability.

A member with at least ten years of creditable service may elect to retire at any time prior to his normal retirement date and have his normal retirement benefit reduced by 5/12 percent for each month (five percent per year) by which his early retirement precedes his normal retirement date. Special provisions are made for members accumulating retirement benefits under

dual normal retirement ages.

The new system provides an initial cost-of-living adjustment of benefits for retirees of existing systems who retired on disability or who are 65 years of age as of June 30, 1970, when indicated after application of the cost-of-living formula based on an average cost-of-living index. This index is derived from the monthly consumer price index of the United States as a whole. The initial cost-of-living adjustment is payable January 1, 1971. Beginning July 1, 1971, and each July 1 thereafter, each retiree of existing systems as well as the new system who is 65 years of age will receive cost-of-living adjustments based on this same formula but not to exceed three percent in any one year.

Credit for military service may be received by any member who takes leave to enter military service and a member with ten years of creditable service may receive credit for up to four years of "wartime service" (as defined by the Veteran's Administration) rendered before becoming a member provided credit is not received for such military service in any other federal or state retirement system. Retirement contributions of four percent of the appropriate gross salary, plus four percent interest compounded annually is required in order to receive credit for all military service.

No member who has caused a shortage in a public account may retire or receive any benefit so long as such shortage exists. Any member convicted, prior to retirement, of committing, aiding or abetting any embezzlement or theft from his employer, or bribery in connection with his employment or any member whose employment is terminated by reason of his admitted participation in such crimes and also any member convicted of violating any state law against strikes by public employees forfeits all rights and benefits except the return of his accumulated contributions.

The widow of any member killed in the line of duty may receive a pension for life or until remarriage, equal to one-half of the monthly salary received by the member at time of death. If widow dies prior to remarriage, such payments continue for the

use and benefit of the member's unmarried child or children until the eighteenth birthday of the youngest child. If member dies after ten years of service, the member's beneficiary (spouse or other dependent) is eligible to receive a monthly benefit for life.

A retired member under the new system may be employed up to 500 hours per calendar year by a public employer whose employees are required to be members of the new system without suspension of retirement benefits and for a longer period of time if requested by the employer and approved by the administrator. There are no employment restrictions regarding private employment or public employment unless the public employer comes under the Florida Retirement System.

This act also repealed Sections 122.36 - 122.49, F. S., which established Division C of the State and County Retirement System and were scheduled to become effective July 1, 1970.

Minimum Retirement Benefit Established:

Senate Bill No. 985 (Chapter 70-224) establishes a minimum retirement benefit for a retiree of any state-supported retirement system (including retirees under Section 112.05, F. S.) who is 65 years of age and has at least ten years of creditable service. The minimum monthly benefit is established as the amount equal to $8.00 multiplied by the total number of years of creditable service. This would mean a minimum monthly benefit of $160 with 20 years of service and a minimum benefit of $240 per month for a person who retired with 30 years of creditable service.

Judicial Retirement System:

The benefits and the terms of the comprehensive retirement act were made available to the members of the judicial retirement system, at their option, by Senate Bill No. 626 (Chapter 70-199). This bill also amends Chapter 123, F. S., making certain exceptions to the computation of the average final compensation for members who are presently entitled to retire or are presently 65 years of age or retire by reason of disability or die in office. In such instances the average final compensation is computed on the best five of the last ten years of service, rather than the best ten of the last fifteen years of service.

Senate Bill No. 477 (Chapter 70-382) eliminates the termination date of July 1, 1970, in the present statutes relative to certain retirement benefit options provided a deceased member's surviving spouse by subsection (7) of Section 123.07, F. S.

House Bill No. 4273 (Chapter 70-256) amends Chapter 123, F. S., to provide an optional retirement plan for any member who has served as a supreme court justice, district court of appeals judge or circuit judge for five years but less than ten years. Those electing to retire under this section shall be eligible for assignment to active judicial service, shall not have practiced law six months prior to assignment nor shall be permitted to practice law until six months after assignment, and shall receive no retirement from the judicial trust fund, nor shall his heirs or estate receive any such retirement benefits except that the total contributions made by the deceased member shall be refunded to the heirs or legatees.

Teachers Retirement System:

Several laws amending the Teacher Retirement System were enacted. The expiration date of July 1, 1970, was deleted from subsection (6) of Section 236.08, F. S., by House Bill No. 4831 (Chapter 70-182). This statute provides certain retirement benefit options to the spouse of a teacher who had accumulated ten years of service and who died or dies before retirement. The definition of "employer" in the teachers' system was amended to include junior college boards of trustees by House Bill No. 4285 (Chapter 70-198).

The survivors benefit provisions were amended by Senate Bill No. 1382 to provide that the $500 death benefit would be payable to the beneficiary or administrator of the estate of a retired member upon his death. This death benefit was formerly payable only upon the death of a member prior to retirement. This act was vetoed by the Governor. The provisions related to the payment of benefits to surviving children were amended by House Bill No. 1858 (Chapter 70-125) to permit such payments to continue beyond age 18 and up to age 22, provided the child is enrolled as a student in an accredited education institution.

Senate Bill No. 1476 (Chapter 70-228) reduced from 35 years to 20 years the period of service required of a former teacher or superintendent who is incapacitated and was never eligible to become a member of the Teacher Retirement System to be entitled to a month allowance of $150.

For terminal pay authorized for the instructional staff of the public schools by Section 231.40, F. S., the definition of "normal retirement" was expanded to include early retirement and mandatory retirement at age 70, but excluding disability retirement. [House Bill No. 4257 (Chapter 70-197)]

Municipal Firemen and Police Officers Retirement Systems:

The municipal firemen and police officers retirement systems were amended by House Bill No. 3336 (Chapter 70-129), and House Bill No. 3270 (Chapter 70-128), respectively. Both bills increased the per-year of credited service computation formula for retirement income benefits of members of the respective retirement systems from 1.67% to 2% of the average final compensation except where the member has been contributing only 3% or less of his salary, in which case the percentage is increased from 1% to 1.2%.

Retirement Funding Legislation:

The required contributions of local governments toward funding of the state and county retirement system set forth in Section 122.35, F. S., were adjusted for the 1967-69 biennium, except for district school boards, by Committee Substitute for House Bill No. 4542. This act was vetoed by the Governor.

The statutes relative to investment of state funds, including retirement funds, were amended by Senate Bill No. 314 (Chapter 70-47). This law limits the authority granted in 1969 to invest state funds in first mortgages on Florida real estate insured or guaranteed by FHA or Veterans' Administration to ten percent of any fund. The percent of any fund which can be invested in interest-bearing obligations of the International Bank for Reconstruction and Development or the Inter-American Development Bank was reduced from fifty to ten percent. This law also permits the State Board of Administration with certain qualifying restrictions

to invest up to ten percent of each fund in common or preferred stock or interest-bearing obligations of corporations convertible into common stock. The percent of any fund which may be invested in the corporate bonds of domestic corporation meeting certain statutory standards was increased from fifty to sixty-five percent.

STATE APPROPRIATIONS AND FINANCE

The 1970-71 general appropriations bill (House Bill No. 5210, Chapter 70-95) was passed by the Legislature on June 3, 1970, vetoed by the Governor on June 9 and passed over the Governor's veto in a special session called by the Governor on June 10, 1970. The constitutionality of the act was challenged by the Governor and it was held to be constitutional by the Supreme Court in an advisory opinion to the Governor dated July 1, 1970.

The General Appropriations Act (70-95) made appropriations for the 1970-71 fiscal year which may be summarized as follows:

Purpose	General Revenue Fund	Trust Funds	Total All Funds
Current Operations	$1,257,360,188	$1,124,980,113	$2,382,340,301
Capital Outlays	21,667,895	43,398,473	65,066,368
Total	$1,279,028,083	$1,168,378,586	$2,447,406,669
Less:			
*Contingent Items	$ 2,434,000		$ 2,434,000
Net Appropriations	$1,276,594,083	$1,168,378,586	$2,444,972,669

The general revenue appropriations within the General Appropriations Act are classified by the Department of Administration generally as follows:

Purpose	Amount
State Operations	$ 493,286,070
State Fixed Capital Outlay	21,667,895
State Aid to Local Units:	
Public Schools & Community Colleges	739,197,162
Counties & Other Units	22,442,956
Total	$1,276,594,083

*Parts of items, 188 (Driver Education $2,100,000), 206 (Payments to City of Gainesville for water at University of Florida $130,000) and 801A (Revenue Department $204,000), were appropriated contingent upon the passage of other legislation which failed to pass and thus became ineffective.

In addition to the general revenue appropriations made in the General Appropriations Act as shown above, the Legislature also enacted eighteen separate acts which included appropriations from general revenue of more than $3,900,000. Most of this amount was for the food stamp program ($1,500,000), increase in maximum payments to adult welfare recipients ($755,232) and the Mimimum Foundation Program for law enforcement officers ($912,500).

The Department of Administration estimates that general revenue funds totaling $45,171,611 will be needed to cover prior year appropriations certified forward on June 30, 1970 and an additional $3.5 million will be needed to meet other statutory requirements including refunds for taxes paid into the state treasury in error.

Taking the above data into account, the balance in the working capital fund which it was authorized to use, and the anticipated collections for the general revenue fund the Administration Commission concluded that budget reserves in the amount of $28,674,599 were needed to avoid deficit spending during the current (1970-71) fiscal year. On July 21, 1970 the Commission adopted a revised financial plan for the General Revenue Fund which may be summarized as follows:

Item	Amount
Estimated Total Funds	$1,255,243,078
Estimated Total Appropriations	1,283,917,677
Budget Reductions Required	$ 28,674,599
Budget Reserves of 1% of Appropriations for:	
Public Schools K-12	$ 6,568,134
Community Colleges	811,388
Board of Regents	1,555,401
Total	$ 8,934,923
Budget Reserves for Specified Items and Amounts:	
Operating Appropriations	$ 4,004,521
Fixed Capital Outlay Approp.	10,740,673
Total Mandatory Budget Reserves	$ 23,680,117

Other Unexpended Appropriations from Quarterly Releases, Normal Reversions or Additional Mandatory Budget Reserves if Required:	$ 4,994,482
Total Budget Reserves or Reductions:	$ 28,674,599

Section 216.181(1) of the state budget law, as revised in 1969, requires the chairmen of the House and Senate Appropriations Committees to "jointly furnish information to the Director of Planning and Budgeting and the Auditor General relative to legislative amendments, if any, to the legislative budgets submitted pursuant to Section 216.023, Florida Statutes." This was done under date of June 19, 1970.

Additional information relative to the Appropriations Act, the financial plan adopted by the Administration Commission or the certification made by the chairmen of the Appropriations Committees may be obtained directly from the offices affected or the Legislative Service Bureau.

STATE GOVERNMENT

Several measures, many of which are of a "housecleaning" nature were enacted relating to the administration of state government and the further implementation of governmental reorganization.

Governmental Organization:

Senate Bill No. 497 (Chapter 70-384) pertains to the authority of departmental heads with relation to the allocation or reallocation of duties and functions to a unit of the department. It provides that no department shall create a new departmental unit unless authorized by legislative act or by a transfer under the Reorganization Act.

Department of Administration:

House Bill No. 363 (Chapter 70-7) expands the provisions for giving veteran's preference in public employment to include those ex-servicemen and women who have served more than 180 days after January 31, 1955. Active duty training for "six months" reserve or national guard programs, however, is excepted.

Department of Agriculture: (See AGRICULTURE summary)

Department of Air and Water Pollution Control:

House Bill No. 3854 (Chapter 70-251) establishes the State Water Pollution Control Trust Fund, administered by the department, to provide grants to local government agencies for construction of sewage treatment facilities. (See also POLLUTION summary)

Department of Business Regulation:

House Bill No. 3972 (Chapter 70-107) changes the name of the Division of Installment Land Sales to the Division of Florida Land Sales.

Department of Citrus: (See AGRICULTURE summary)

Department of Education:

House Bill No. 4221 (Chapter 70-195) creates the State Planning Council for Post High School Education and provides the council's functions in an advisory capacity to the Commissioner of Education. (See also EDUCATION summary)

Department of General Services:

House Bill No. 4228 (Chapter 70-328) makes the department's authority to require every state agency to transfer ownership, custody and control of aircraft and motor vehicle discretionary. Expands such transfers to include associated maintenance facilities and equipment and all right, title, interest and equity in the property transferred.

Senate Bill No. 1184 (Chapter 70-440) transfers from the Department of General Services to the Trustees of the Internal Improvement Fund all powers, duties and functions relating to patents, trademarks or copyrights.

Department of Health and Rehabilitative Services:

House Bill No. 4260 (Chapter 70-255) conforms Chapter 409, Florida Statutes, to the provisions of the 1969 Governmental Organization Act. Transfers certain responsibilities relating to the Division of Family Services to the Department of Health and Rehabilitative Services.

Senate Bill No. 984 (Chapter 70-428) provides for the licensing of nursing home administrators. Transfers licensing authority from the Division of Health.

House Bill No. 5168 (Chapter 70-343) creates Chapter 393 relating to retardation. Provides for the acquisition, supervision and control of facilities for the retarded under the Division of Retardation. Further provides for admissions, administration and research concerning retardation.

Senate Bill No. 1206 (Chapter 70-441) changes the name of Division of Adult Corrections to Division of Corrections. (See also HEALTH, WELFARE AND INSTITUTIONS summary)

Department of Law Enforcement:

House Bill No. 625 (Chapter 70-32) deletes the Division of Administration in the department's structure.

Department of Natural Resources:

House Bill No. 4604 (Chapter 70-259) creates the coastal coordinating council. Provides for research and coordination of planning pertinent to the coastal zones of the state.

Committee Substitute for House Bill No. 3882 (Chapter 70-316) creates the Florida Environmental Inventory Council as an advisory council to the Department of Natural Resources. The council's activities are limited to three years. Provides for a council staff and prescribes other duties and functions of the council. (See also CONSERVATION, PUBLIC LANDS AND POLLUTION summary)

Department of Professional and Occupational Regulation:

Senate Bill No. 413 (Chapter 70-37)) increases registration fees for watchmakers from $5 to $12.

Fiscal:

Senate Bill No. 314 (Chapter 70-47) amends Section 215.47, Florida Statutes, pertaining to the investment of available public moneys. The types of investments which may be made with and without limitations are specifically designated. Limited investment in the common stock, preferred stock and interest-bearing obligation of listed corporations is authorized.

Committee Substitute for Senate Bill No. 194 (Chapter 70-70) provides for the substitutions of securities for retainages on state contracts. The act specifies the types of securities which may be substituted in whole or in part of the amounts retained for payment to contractors under the terms of the contract. It further provides for the procedures for the collection and payment of interest on securities so substituted.

Miscellaneous:

House Bill No. 3536 (Chapter 70-53) designates the "moonstone" as the Florida state gem.

Senate Bill No. 54 (Chapter 70-79) provides that all state attorneys elected after November 1, 1970, shall be on a full-time basis and shall be prohibited from the private practice of law. The Monroe County Solicitor's office is abolished and the duties of the office transferred to the State Attorney of the Sixteenth Judicial District. All laws pertaining to the Monroe County Solicitor are repealed.

Senate Bill No. 1127 (Chapter 70-439) directs the Statutory Revision Service of the Legislative Service Bureau to conform all acts passed by the 1970 or subsequent sessions of the Legislature to the terminology of the 1969 Reorganization Act.

TAXATION

Sales and Use Tax:

Committee Substitute for Senate Bill No. 336 (Chapter 70-373) exempts from the sales tax television broadcasting, radio and television license fees, charges for films, video tapes and transcriptions used in producing radio or television broadcasts. It also requires a study of the media and a program of equitable taxation prepared before the 1971 regular session of the Legislature.

Senate Bill No. 1470 (Chapter 70-206) clarifies the provision that an occasional or isolated sale of a motor vehicle is subject to the three percent sales tax. Only specifically exempt transactions such as Section 423.02, Florida Statutes, are now exempt. This law supercedes all conflicting special or general laws granting exemption to sales by public and quasi-public activities including water and sewer companies, municipal sewers and parking, parks, port facilities, turnpikes, expressways, public fairs, schools and professional service plans.

Beverage Tax:

Senate Bill No. 1163 (Chapter 70-225) doubles the excise tax on Florida-made spirituous beverages. Beverages containing 14 percent to 48 percent alcohol by weight are increased from 47.4 cents to 94.8 cents per gallon and those containing more than 48 percent alcohol are raised from 93.8 cents to $1.876 per gallon.

In order to qualify for the Florida tax rate, an alcoholic beverage must be manufactured exclusively from Florida-grown raw materials and bear a Florida sunburst emblem. Further, the manufacturer must conduct distilling and bottling operations only in the State of Florida and no other.

Gasoline Tax:

House Bill No. 5130 (Chapter 70-342) provides that the portion of the first gasoline tax and the seventh cent gasoline tax (including special fuels) paid by a municipality (when that

gasoline is used in a municipally-owned vehicle) will be returned to that municipality for the purpose of construction, reconstruction and maintenance of roads and streets within said municipality.

Documentary Stamp Tax:

House Bill No. 3384 (Chapter 70-304) extends the requirement of paying a documentary stamp tax to documents which grant a tenant-stockholder the right to occupy a cooperative apartment.

Occupational License Tax:

A three-year statute of limitation is placed on unpaid occupational license taxes or penalties by Senate Bill No. 674 (Chapter 70-218).

Senate Bill No. 675 (Chapter 70-400) exempts from occupational license requirements occasional sales or fund-raising projects engaged in by charitable, religious, fraternal, youth, civic, service or other such organizations when the projects are performed exclusively by their members and when the proceeds are used exclusively by the organization.

Senate Bill No. 979 (Chapter 70-221) increases the taxicab permit, the vehicle registration tax, respectively, from $25 to $50 and from $5.00 to $10. This additional revenue is redirected into the Florida Public Service Regulatory Trust Fund from the General Revenue Fund.

House Bill No. 1819 (Chapter 70-297) exempts piscicultural and fish farms from the occupational license tax when the product is being offered for sale or sold by the producer.

Senate Bill No. 673 (Chapter 70-217) requires the Division of Hotels and Restaurants to be responsible for reporting to the appropriate tax collector the number of rooms available for rent and the number of seats (whether none or more than 150) available in restaurants, etc.

Tax on Citrus:

Committee Substitute for Senate Bill No. 400 (Chapter 70-142) places an excise tax on the first processing or

packaging in Florida of oranges and grapefruit equal to the excise tax on fresh oranges and grapefruit grown in Florida, and credits the taxes already paid. Exempts products made from oranges and grapefruit grown in other states.

Senate Bill No. 1080 (Chapter 70-153) levies an additional excise tax of two cents per box on oranges grown in Florida and sold for processing. The revenue will go into the Florida Citrus Advertising Trust Fund to be used exclusively for advertising processed orange products.

Utilities and Railroads:

Senate Bill No. 981 (Chapter 70-223) increases from one-twelfth to one-eighth of one percent the regulatory fees imposed on the gross operating revenue derived from intrastate business conducted by each telephone, telegraph, electric and gas utility company. This revenue goes into the Public Service Regulatory Trust Fund.

Senate Bill No. 978 (Chapter 70-426) places a tax of one-tenth of one percent of the gross operating revenues derives from intrastate business done within Florida during the preceding calendar year on all railroad, express and pullman companies under the jurisdiction of the Florida Public Service Commission. This tax is payable on or before July 1 of each year.

Intangible Personal Property:

House Bill No. 4120 (Chapter 70-185) amends the intangible property tax law to reduce the requirement of nonvoting and voting power of all classes of stock ownership in order to be an affiliated group from 100 percent to 80 percent. With consolidated tax returns, intangible personal property of affiliated groups, except that of the parent, is not subject to taxation.

House Bill No. 1408 (Chapter 70-59) amends the intangible tax to require filing in the county where the beneficial owner resides and to change the date for filing from April 1 to May 1.

Fishing Licenses:

Committee Substitute for House Bill No. 1269 (Chapter

70-26) requires a fishing license for all persons including county residents fishing with a cane pole, except recipients of public welfare, who must while fishing carry proof of their status issued by the state or county welfare authority.

Ad Valorem (Property) Taxation:

The statutes dealing with processes and procedures of property taxation were substantially amended and simplified by Committee Substitute for House Bill No. 4687 (Chapter 70-243), which repealed more than 100 sections of Chapters 192, 193, 194 and 195 of the Florida Statutes and rewrote many provisions dealing with definitions, procedures, situs, dates, forms, returns, penalties, listings, rolls, affidavits, objections, hearings, reviews and budgets. Called by its sponsors "The Technical Amendments Act of 1970," this act revised, simplified and clarified the law of property taxation. The powers and duties of the Department of Revenue relating to state supervision of property tax administration also were rewritten in more direct form and the Department was directed to establish rules and regulations for many things previously set forth in the statutes. Tax collectors are now required to notify each taxpayer of all taxes due on each parcel.

Senate Bill No. 155 (Chapter 70-368) authorizes cities and counties which were levying more than ten mills in 1968 to continue to do so until January 1, 1972.

House Bill No. 4030 (Chapter 70-246) requires the county commissioners to pay the tax assessors' commissions on non-voted school millage. Senate Bill No. 535 (Chapter 70-359) authorizes county commissions to instruct tax collectors to pay all bills of less than one dollar rather than mail notices. Senate Bill No. 157 (Chapter 70-274) amends the Condominium Act by providing that contracts for maintenance or operation may be cancelled by 75 percent of the owners, by requiring full disclosure prior to sale, and by regulating deposits on condominiums.

House Bill No. 887 (Chapter 70-282) authorizes boards of county commissioners to consolidate budgetary funds and to levy the total of the separate millages.

TRAFFIC SAFETY

One of the most important highway safety measures enacted by the 1970 Legislature was House Bill No. 2407, Chapter 70-184, relating to highway speed limits. Beginning October 1, 1970, many of the existing speed limits will be eliminated and the remaining speed limits will be based on vehicle weight and type of highway. For motor vehicles of less than 8,000 pounds and motor vehicles designed for carrying passengers, the speed limit is increased from 55 to 60 mph during nightime on highways other than interstate highways and 4-laned highways divided by a median strip of at least 20 feet. The following speed limit changes are made for motor vehicles of more than 8,000 pounds, and for combinations of vehicles:

Type Vehicle	Present Law Day	Present Law Night		New Law Day	New Law Night
M.V. over 8,000 lbs. on 4-lane, not interstate	60	55		65	60
M.V. over 8,000 lbs. on 2-lane	60	55		60	55
(Non-interstate highways) Vehicles towing:					
1. Boats (non-cabin)	60	55)			
2. Boats over 16 ft.	50	45)	Comb.	60	55
3. Cabin boats	50	45)	of		
4. Trailers over 3,000 lbs.	50	45)	Vehicles		
5. Another vehicle(s)	50	45)			
6. House trailers*	50	45)		55	50
School bus on interstate	40	40		55	55

Effective date October 1, 1970.

*House trailers are authorized to travel an additional 5 mph on divided highways having a 20-foot median strip and on interstate highways during day and nighttime.

An important measure which will greatly assist law enforcement officers in reprimanding reckless drivers is Senate Bill No. 686, Chapter 70-115, which modifies the point system by setting a specific number of points for each offense and designating a new offense of unlawful speed resulting in an accident. The court will no longer assess points and points are to be computed from the date of offense, rather than from time of conviction.

Senate Bill No. 571, Chapter 70-390, beginning July 1, 1970, drivers' licenses may be issued to minors who have successfully completed a non-public school driver education course which complies with requirements of the course given by public schools.

Senate Bill No. 121, Chapter 70-366, provides as of July 1, 1970, that the Department of Highway Safety and Motor Vehicles may, upon five days written notice, examine any person it has good cause to believe is either incompetent or otherwise not qualified to be licensed. The Department may reexamine any driver prior to his license renewal date when a court or law enforcement agency questions a person's ability to safely operate a motor vehicle or when the person's physical appearance or actions give rise to serious doubt as to his ability to operate a vehicle safely. The Department may require such person, without expense to the State, to submit medical reports regarding his physical or mental condition.

House Bill No. 4105, Chapter 70-237, requires the clerk of a trial court, when an accident report has been made, to immediately report the final disposition of any criminal traffic case and the name of the guilty party, to the Department of Motor Vehicles.

House Bill No. 1634, Chapter 70-102, has the same speed limit requirements for school busses as House Bill No. 2407, except for the added provision authorizing a school board to permit school busses traveling on highways outside municipalities for extra-curricular activities to travel at a speed of 55 mph. This act takes effect August 1, 1970.

Another bill relating to school busses, Senate Bill No. 685, Chapter 70-74, amends Section 317.692, Florida Statutes, to provide that only busses with a capacity of 24 or less pupils are required to carry specified equipment items.

Under Senate Bill No. 958, Chapter 70-423, the requirements for funeral processions are now applicable on all streets and highways throughout the state, rather than exclusively in municipalities which have adopted the Model Traffic Ordinance by reference.

Senate Bill No. 900, Chapter 70-420, requires that private passenger automobiles sold in Florida which are manufactured after January 1, 1973, to be equipped with an energy absorption system capable of withstanding any damage to a vehicle in a direct collision at a speed of 5 mph. This requirement is raised to 10 mph after January 1, 1975.

Senate Bill No. 34, Chapter 70- 6 , authorizes the Director of the Division of Motor Vehicles, upon payment by the driver of the renewal application fee, registration tax and the additional 50¢ service fee, to issue a revalidation sticker for a license renewal, up to 6 months in advance of the license renewal date, to any owner who anticipates being out of the state during renewal period. Use of sticker is limited to 6 months of scheduled renewal. The issuing agent is required to deliver a renewal registration to any such driver who, during the 6 months period immediately preceeding his license renewal period, presents his tag and sticker. Advance payments are to be deposited in a special trust account with the State Treasurer. Unlawful use of a revalidation sticker is a misdemeanor and the penalty is 30 days imprisonment and/or $100 fine.

Senate Bill No. 796, Chapter 70-413, deletes the prohibition against an habitual user of narcotic drugs driving a motor vehicle but clarifies and increases the number and types of drugs covered by the prohibition against operating a motor vehicle while under the influence of narcotic drugs.

House Bill No. 606, Chapter 70-279, relating to chemical tests for intoxication, deletes from the tests of the implied consent law the use of urine and saliva and related provisions. Reduces from six to three months the suspension of a license for refusal to submit to the breath or blood tests. Provides that the required notice regarding suspension shall be by certified mail to the licensee's last known address. Requires the licensee to send a copy of his petition for a hearing on his license suspension to the Department of Public Safety. The right of trial by jury is extended to persons arraigned in municipal courts. Municipalities are required to either set up proper procedure to provide a trial by jury or transfer each cause to a court of competent jurisdiction in the county in which the municipality is located.

TRANSPORTATION AND MOTOR VEHICLES

General and Agency Legislation:

The 1970 Legislature passed bills in the transportation area best described as enabling legislation. Probably the broadest effect will result from House Bill No. 4162 (Chapter 70-239), which will enable to funds previously limited to highway use to be applied to broader transportation uses. This session recognized the problem inherent in previous law, that of prohibitions on spending certain revenues and the use of rights-of-way for nonhighway use. To enable local units of government and political divisions of the state to develop balanced transportation systems, such spending was added to the present list of authorized municipal purposes. This bill also authorized the purchase of mass transit facilities by the Division of Bond Finance and the Department of Transportation. Numerous limiting definitions were changed to permit funds to be used for all transportation purposes instead of the former highway purpose limitations. The legislative intent of developing a balanced and efficient system of private transportation was also set forth in this bill.

In the area of construction contracts between the Department of Transportation and persons doing construction or maintenance, C.S./House Bill No. 4207 (Chapter 70-325) has limited such contracts to stop third party beneficiary rights from accruing to the benefit of any person not a party to the contract. House Bill No. 2344 (Chapter 70-168) would require that contracts for construction and maintenance be paid within 90 days after completion papers are filed with the Department in Tallahassee of the Department must pay six percent interest on the unpaid balance not to exceed $300 per day. Certain exceptions are made for amounts that are disputed and made the subject of a claim. The foregoing bill together

with House Bill No. 4595 (Chapter 70-186), which increases the jurisdictional amount limit of the arbitration board from $10,000 to $25,000, should significantly speed the time lapse between contracted work and final payment.

Two legislative measures were passed affecting professional personnel and their relations with the Department of Transportation. Senate Bill No. 112 (Chapter 70-64) will require evaluation of professional consultants prior to their employment by the Department and this to be and evidenced in their minutes. Specified factors to be considered in this evaluation are professional status, past record, experience, and adequacy of the organization personnel. The other measure passed as an amendment to the aforementioned House Bill No. 2344 (Chapter 70-168) and will require all professional personnel rendering services to the Department to have professional liability insurance in an amount determined to be sufficient by the Department.

Air Transportation:

In an attempt to decrease aircraft hijackings or other related crimes, House Bill No. 372 (Chapter 70-41) has added this to the present list of vehicles for which entry with an intent to commit a crime or misdemeanor is punishable.

Water Transportation:

Separate classifications for vessels were abolished by C.S./House Bill No. 4712 (Chapter 70-336) which establishes a uniform rate of registration tax while repealing nonfresh water operation, commercial purpose, and shrimp boat extra registration tax provisions. The present nontransferable provisions for registrations are now extended to commercial boats. All boats are now subject to the registration certificate fee schedule according to length as formerly established for noncommercial motorboats and the fee has been increased one dollar for each classification with two dollars from the fee and 50 percent of the total increase now allocated for aquatic weed control and research. The remaining 50 percent of the increase is for law

enforcement and quality control programs. The bill also places an additional tax of $50 on aliens or nonresidents operating a craft for commercial purposes. Persons who have purchased the 1970-71 registration certificate prior to the bill becoming law will not be required to pay any additional fees for the current year.

Declaring a problem to exist in the recovery of stolen motor vehicles and to make it more difficult to transport such vehicles by ship, House Bill No. 1208 (Chapter 70-289) sets forth a procedure to obtain a right of possession certificate. The bill prohibits transport by ship without such certificate and sets forth penalties for violation.

Public Land Transportation:

Each railroad, express and pullman company under the jurisdiction of the Public Service Commission is required by Senate Bill No. 978 (Chapter 70-426) to pay one-tenth of one percent of the gross operating revenue for intrastate business to the Commission. Payment minimum is established at $25 and revenue is to be used for the operation of the Commission.

On October 1, 1970, two bills, Senate Bill No. 1159 (Chapter 70-158) and Senate Bill No. 1160 (Chapter 70-159), will take effect and new regulations will be placed under the Public Service Commission upon those segments of the bus industry engaged in charter services. "Charter carriage or service" is redefined to exclude sightseeing, racetrack operation, or worker bus vehicles and limited to regular route common carriers.

Automatic authority to conduct charter service is prohibited except where an application for a certificate is filed prior to October 1, 1970. Charter rights will be permitted only for the departure from an authorized point which is defined as that point at which a carrier may originate possession in its regular route service. Charter services fee is permitted at such compensation agreed on between the carrier and parties to be

served. When one carrier cannot perform a charter, the Commission has the authority to substitute another certified carrier to perform the charter trip.

Senate Bill No. 982 (Chapter 70-427) increases the fees under the motor carriers and freight forwarding act. An application fee of $100 is now required for motor carrier permits for hire, except taxicabs, and registration and identification fees are increased to $5.00 for nonreciprocal motor carriers and $6.00 for reciprocal motor carriers. The fee for filing of the Interstate Commerce Commission authority certificate is increased to $25 and the actual renewal fee for the transportation brokers license is increased to $300. A renewal fee of $500 for annual renewal of the certificate of convenience and necessity of freight forwarders is also established by the bill.

The time in which motor carriers engaged in the transportation of household goods in urban areas may apply to the Public Service Commission for a certificate of public convenience and necessity was extended to April 1, 1971 by Senate Bill No. 289 (Chapter 70-83).

The taxicab permits and motor vehicle for hire registration tax has been increased by Senate Bill No. 979 (Chapter 70-221) to $50 for the annual application and $10 for each vehicle registered with this money now earmarked for the Public Service Regulatory Trust Fund.

Senate Bill No. 1040 (Chapter 70-210) additionally exempts those motor vehicles operated by a manufacturer's dealer used to transport certain heavy equipment or component parts to and from the owners' garages and repair shops from the Public Service Commission regulation of motor carriers.

Private and Other Motor Vehicle Transportation:

The present rather confused definition of motor vehicle has been clarified by Senate Bill No. 572 (Chapter 70-391)

which has removed prefabricated or modular housing not manufactured upon an integral chassis or undercarriage for travel over the highways from the requirements of being licensed as a motor vehicle. To simplify taxation of mobile homes permanently affixed to the land, the bill provides a procedure for issuance of an "RP" license tag issued by the tax collector for an aggregate fee of $1.00. The bill further provides for proper registration prior to operation on the state highways of a motor vehicle and for the appropriate display and lighting of the license plate.

Senate Bill No. 975 (Chapter 70-424) has changed extensively the relations between motor vehicle dealers and manufacturers and has initiated new regulations to be enforced by the Division of Motor Vehicles in this field. The definition of motor vehicle dealers now specifically excludes persons performing official functions and loan companies from the prima facie rule of a dealer being any person who offers for sale three or more motor vehicles in a 12-month period. The license application fee is increased to $25 for initial application, $10 for annual renewal, $25 for change of location and $25 for application investigation, if necessary. The following new grounds are specified for denial, suspension or revocation of licenses upon certain specified notice procedure by the director: violation of the law or administrative rules, fraud, certain misrepresentation, refusal to honor warranty, false advertising, requiring unordered equipment to be purchased, requiring specific financing or insurance through dealer, and certain contract conduct. Hearing procedure and reinstatement provisions are specified for the director in situations involving all licenses. This bill also defines manufacturer to now include those firms that mount special bodies or equipment upon a truck chassis and adds new definitions to existing law for "distributor", "motor vehicle dealer", "agreement", "importer" while separating by definition "motor vehicle", "used motor vehicle", and "demonstrator". Where parties are required to be

licensed, no licensee's vehicle can be sold in this state unless the specific selling party is licensed under this law. An abbreviated license renewal application is permitted if a licensee has previously filed an initial application. All licenses must be acted on within 30 days of application. Obtaining of a license shall be proof of doing business in this state and the acceptance of a license is now an appointment of the Secretary of State as agent for service of process. A $10 license fee for each manufacturer, distributor, or importer is now required and must be accompanied by information furnished to the director as follows: information on the solvency of the applicant, a copy and explanation of applicant's new motor vehicle warranties, a copy of agreements between manufacturers and distributors and dealers, a list of applicant's authorized dealers, a copy of the delivery and preparation obligations of its dealers as to product liability, agreements as compensation for parts and labor by authorized dealers and such other information as the director may require. New grounds are specified on which a manufacturer's, distributor's or importer's license may be denied, suspended or revoked. These grounds include an applicant's wrongfully failing to renew a dealer franchise agreement and an applicant's failing within 90 days to notify the dealer of a planned cancellation. If such notification is not made, the dealer has the option to render the cancellation voidable and also the designation of a franchise at a specific location as a "nondesignated point" shall be an evasion of this section and is an unfair cancellation. The bill provides for presumptions as to the proper or improper discontinuances of franchises and procedures for dealers to have a discontinuance reviewed as to being unfair, providing a cause of action for a wronged dealer.

Precedure is regulated between the dealer and manufacturer to permit the director to revoke, deny, or suspend either's license where appropriate: for denial of another franchise dealer's license in any community already adequately

represented, or as to an applicant who has entered into a franchise agreement with a dealer who has inadequate service facilities for new car purchasers; because of coercion to use a specific financing institution; for false or deceptive advertising; for failure to deliver ordered vehicles or parts to dealers under certain specified circumstances; if the applicant has sold a motorcycle or scooter of over five bhp to a holder of a restricted driver's license, for violation of other laws or regulations, or previous conduct that would have been grounds had the applicant been licensed at that time. Inspections, subpoena power and other powers are granted to the director for investigation. Licensee's are now made responsible for the acts of all employees.

The bill provides for creation of a director-appointed advisory council of seven members to advise and assist the director in administering this act.

The bill additionally provides that any mechanical body or parts defects arising from any warranties of the licensee shall be his liability and not that of the dealer's, and he shall reimburse a dealer rectifying the licensee's warranty defect according to the prevailing wage rate in the dealer's city.

Civil damages are specifically permitted by this bill in an action between dealer and licensee upon prima facie showing by the dealer and the burden is upon the latter to prove the offense did not occur. The director is also authorized to impose certain fines under specified procedure against licensees of up to $1,000 for furnishing erroneous information or failure to notify the director of certain changes and up to $5,000 for certain violation of manufacturers' regulations provided by law.

C.S./House Bill No. 3117 (Chapter 70-233) makes it unlawful to alter the reading of an odometer to reflect a lower mileage than the motor vehicle has been driven. Exceptions are made for manufacturer testing, exchange between franchised dealers,

passenger vehicles with over fifteen-person capacity, and trucks with a net weight in excess of 3,000 pounds.

For those individuals who will be on vacation or otherwise inconvenienced by motor vehicle license renewal, Senate Bill No. 34 (Chapter 70-6) authorizes the Director of the Division of Motor Vehicles to issue revalidation stickers for license renewal up to six months in advance upon presentation of renewal application, fee, registration tax and additional 50¢ service fee. The use of the sticker is limited to six months time, upon presentation of tag with sticker, the owner shall be issued without additional cost the renewal registration plate and certificate of registration.

Special provision is made for the deposit of advance payments in the state treasury. The bill also provides a misdemeanor penalty of 30-day imprisonment and/or $100 fine for unlawful use of revalidation sticker.

In addition to the items currently inspected on motor vehicles by the safety inspection equipment stations, Senate Bill No. 312 (Chapter 70-351) now requires that emission control devices be checked on all motor vehicles manufactured after December 31, 1967. An exception is made for those vehicles that have been modified to an alternate fuel system of lower emission content.

A special emblem is required for slow moving vehicles (SMV) by House Bill No. 196 (Chapter 70-98) which describes the emblem's size, color, markings and how it shall be displayed.

Other than present judicial proceedings, Senate Bill No. 36 (Chapter 70-89) provides an additional procedure of sale to satisfy a lien against an unclaimed motor vehicle that has been stored or towed pursuant to the request of a law enforcement agency. Costs of repair are added to that paid from proceeds of a sale and may be enforced one month after

they become due and the time period for sale as unclaimed or for storage and towing has been lowered to 45 days.

Where state vehicles are concerned, the Motor Pool Division of the Department of General Services is permitted by House Bill No. 4228 (Chapter 70-328) to, in its discretion, receive all rights, title, interests and equity in state-owned aircraft or motor vehicles. The bill also requires maintenance facilities and equipment to be transferred at the discretion of the Division.

SUBJECT INDEX
to
GENERAL LAWS ENACTED
1970 REGULAR SESSION

SPECIAL SESSION, OCTOBER 9, 1970

The special session of the Legislature, held October 9 to consider insurance moratorium legislation, enacted three bills and overrode the veto of fourteen bills of the 1970 regular session. The total of seventeen bills that became law as a result of the session's actions included eleven general bills and six local acts. The general and permanent acts will be included in the 1970 Supplement to Florida Statutes, which will be ready for distribution about November 15.

Two bills were on the prime subject of the session. House Bill No. 8-C (Chapter 70-989) provides a 120 day moratorium on increases in rates for automobile insurance policies issued or renewed after the bill's effective date, over the rates charged by the insurer on July 1, 1970. House Bill No. 20-C (Chapter 70-999) prohibits cancellation of automobile insurance policies issued or renewed in reliance on the rate moratorium law if the law is declared invalid. If an insurer sends notice of a rate increase after such law is declared invalid, the insured must pay the difference in 30 days to avoid cancellation.

Three general acts related to taxation. The major revision of the state tax on gasoline and other motor fuels, contained in vetoed House Bill No. 5033, was adopted over the veto. This act (Chapter 70-995) creates Chapter 206, Florida Statutes, relating to the taxation of gasoline and other motor fuels, by transferring most sections of the present Chapters 207, 208 and 209, Florida Statutes. Special motor fuels (now called other motor fuels) are taxed at first sale, as gasoline now is, with the tax not applicable to sales for non-highway use. The dealer's allowance and the agricultural and commercial fishing refunds are made applicable to the tax on special fuels.

There were two ad valorem tax exemption measures. These were House Bill No. 3494 (Chapter 70-991) which repeals an exemption for property of certain charitable trusts, and House Bill No. 3733 (Chapter 70-992) which removes the exemption of hospital parking lots where a fee is charged.

Another major bill passed over the veto was House Bill No. 5273 (Chapter 70-996) which requires the Annual Program Budget and the Road Construction and Maintenance Plan Budget of the Department of Transportation to identify by number the unfinished projects or those projects that will be commenced during the budget year and specify the amount to be spent on such projects. Both budget reports are also required to be filed with the Senate Ways and Means Committee and the House Appropriations Committee at least 30 days prior to each regular legislative session.

This bill also calls on the Department of Transportation to develop comprehensive transportation plans for urban areas in conjunction with appropriate local units, U. S. Department of Transportation, and state agencies. The terms "local government body," "major transportation facility," "standard metropolitan statistical area," "urban area," and "transportation corridor" are defined. The needs, alternate modes, systems integration, growth factors, environment and other factors are required to be taken into account in development of comprehensive plans. The procedure for developing plans must include public hearings which are effected by schedule through 1973. The Department is mandated to promulgate necessary rules and regulations.

There were two bills affecting retirement. The required contributions of local governments toward funding of the state and county retirement system set forth in Section 122.35, F. S., were adjusted for the 1967-69 biennium, except for district school boards, by Committee Substitute for House Bill No. 4542 (Chapter 70-993). The survivors benefit provisions of the Teachers Retirement System is

amended by Senate Bill No. 1382 (Chapter 70-998) to provide that the $500 death benefit would be payable to the beneficiary or administrator of the estate of a retired member upon his death. This death benefit was formerly payable only upon the death of a member prior to retirement.

The authority of the Department of Agriculture and Consumer Services is extended by House Bill No. 4645 (Chapter 70-994) which amends Chapter 500, F. S., to prohibit use of a detained or embargoed article or food processing equipment found to be dangerous, unwholesome, fraudulent, or insanitary. The act also provides for the issuance of permits to food manufacturers, producers, or packers, and provides additional enforcement tools for administration of this chapter by the Department.

Senate Bill No. 281 (Chapter 70-997) limits rates for municipally-owned electric, gas, water and sewer utilities charged consumers outside the municipal boundaries relative to the rates charged consumers inside the municipality. It authorizes court proceedings to enforce the act and permits the court to allow treble damages and reasonable attorney fees to any aggrieved person who prevails.

Committee Substitute for House Bill No. 701 (Chapter 70-990) amends Chapter 870 relating to affrays, riots, routs and unlawful assemblies by empowering local law officers to declare a state of emergency when violence, defiance, or resistance to public authority evinces belief that a clear and present danger of riot or public disorder exists. The officer is authorized to take emergency measures he deems appropriate to restore peace. The act sets forth automatic emergency provisions to go into effect during a declared state of emergency, including a prohibition on the sale and display of firearms and ammunition and firearm possession in public. It enumerates certain discretionary emergency measures that may be put into effect during such declared state of emergency, including curfews and restrictions on public assemblies, the sale of alcoholic beverages, gasoline and other flammable liquid, etc.

The act further requires filing of the state of emergency measure with the appropriate local court clerk and delivery to local news media. Duration is limited to 72 hours, unless terminated sooner or unless extended by the appropriate local governing body. Violation of the act is a misdemeanor, punishable up to $500 fine and/or one year imprisonment.

There were two local bills concerning local government employment. House Bill No. 5233 (Chapter 70-1004) establishes a Firefighters Collective Bargaining Act for Palm Beach County authorizing publicly-employed firemen to organize and bargain collectively through a bargaining agent with respect to wages and working conditions; strikes are prohibited. House Bill No. 5250 (Chapter 70-1003) makes changes in the civil service system for Hillsborough County.

Other local acts were House Bill No. 15-C (Chapter 70-1005) which relates to the membership of the Sarasota-Manatee Airport Authority; Senate Bill No. 1478 (Chapter 70-1000), which amends Section 1 of Chapter 57-550, to provide that the grand jury commission in counties having a population in excess of 450,000 shall be composed of the circuit judges in the judicial circuits encompassing the boundaries of such counties; Senate Bill No. 1507 (Chapter 70-1001) relating to hospitals and medical nursing and convalescent homes in Citrus County; and Senate Bill No. 1538 (Chapter 70-1002) relating to the appointment of members of the Jacksonville Port Authority.