Joint Legislative Management Committee of the Florida Legislature

## Summary of General Legislation 1972 E.S.U. LAW LIBRARY



Tallahassee May 1972

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Joint Legislative Management Committee of the Florida Legislature

# Summary of General Legislation 1972



Regular Session February 1 – April 7, 1972 Special Sessions April 8, 11, 1972

> Tallahassee May 1972

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STATE OF FLORIDA



## JOINT LEGISLATIVE MANAGEMENT COMMITTEE

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May 24, 1972

Room 2, Holland Building Tallahassee, Florida 32304 Telephone (904) 224-9111

Mr. Tom Wade, Executive Director Joint Legislative Management Committee Holland Building Tallahassee, Florida 32304

Dear Tom:

I am pleased to transmit herewith the completed <u>Summary</u> of <u>General Legislation</u>, 1972, in which the enactments of the 1972 Legislature are discussed under major topics and subgroupings. The earlier Preliminary Summaries have been entirely revised and updated.

The acts reflected in this booklet are impressive in the depth of substance as well as breadth of subject matter they disclose. Major areas such as revenue sharing, court revision, land and water management - any one of which would have distinguished an ordinary session - are not unusual among so much significant legislation. The routine treatment of such areas does not detract from them, but instead marks the 1972 Legislature as one of extraordinary achievement. Diligent advance planning and the experience of a membership largely unchanged over the past four years enabled the 1972 Legislature to have a remarkably productive session.

The rapid completion of this booklet is due to the generous cooperation of numerous individuals, whose assistance is gratefully acknowledged. Special credit is given Mrs. Flo Rafnel, Legislative Information Service, for bill selection and statistics; Mrs. Sandra Knight, Legislative Information Service, who prepared the article on Education; Mrs. Martha Bass and Mrs. Jane Harris, Senate Legislative Services, who prepared the articles on Courts and Civil Law respectively; Mr. Roy Gonzalez, Mr. Canter Brown and Mr. Jerry Lopez, House Drafting Services, who prepared the articles on Criminal Law and Natural Resources; and Mr. Fred Waldinger, Senate Natural Resources Committee, for editorial help.

Respectfully,

Land V. Kerns

David V. Kerns, Director Legislative Library Services

DVK/lmf encl.

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#### AGRICULTURE

Senate Concurrent Resolution 125 urged the United States Department of Agriculture to take necessary steps to obtain reciprocity agreements with those countries which export beef to the United States, in order that United States breeding stock may be introduced to other countries, and that current import agreements with other countries be stopped or quotas reduced until such agreements can be reached.

House Bill 3492 (Chapter 72-60), required legible maximum shelf-life dating for milk and milk products.

Senate Bill 248 (Chapter 72-47) included marked or branded pallets in the list of produce harvest receptacles which are protected against theft or damage.

Registrants selling persistent pesticides are required by Senate Bill 397 (Chapter 72-166) to report each calendar year the name and amount of each such product sold by him. The reports are to be compiled by the Department of Agriculture and Consumer Services, which Department will report to the Department of Pollution Control the amount and kind of such pesticides sold in the state.

A new weights and measures law was enacted for the state by House Bill 1597 (Chapter 72-101).

A peanut marketing act for Florida was provided by Committee Substitute for Senate Bill 723 (Chapter 72-135). Procedures and production control and marketing agreements

are similar to those in existence for several other agricultural commodities.

Committee Substitute for Senate Bill 561 (Chapter 72-188) revised the regulations pertaining to flue-cured tobacco warehousemen, provided new procedures for determining the market opening date, and for producers' certificates as to nonuse of prohibited pesticides.

House Bill 3747 (Chapter 72-115), exempted flocks of 500 birds or less, from the poultry sanitary disposal law.

The Division of Forestry was authorized to regulate vehicles and pedestrian traffic in state forests by House Bill 3352 (Chapter 72-246). House Bill 4400 (Chapter 72-305) provides for county-wide forest fire protection under agreements between the Division of Forestry and respective counties who shall pay 3¢ per acre of forest and wildland acreage in the county. Receipts go into the general revenue fund. The agreements may include other related services on a cost basis if they do not impede the forest fire control function.

Senate Bill 751 (Chapter 72-191) vested the Department of Citrus with ownership rights on patents and trademarks required or developed by the state under authority of the Citrus Code.

Procedures for the development of county or area extension programs, selection and appointment of county extension agents and staffs, and administration of county extension services with county support and under the supervision of the University of Florida are provided by House

Bill 481 (Chapter 72-98). The place of election of soil and water conservation district commissioners is to be determined by the Department of Agriculture and Consumer Services, under House Bill 3746 (Chapter 72-114).

The encouragement of quarter horse breeding farms in Florida is the intent of Senate Bill 890 (Chapter 72-158) which empowers the Department of Agriculture and Consumer Services to establish a voluntary registration for Florida-bred quarter horses and to make quarter horse breeders awards from the Quarter Horse Racing Promotion Trust Fund (1/2 breaks). Registration fee for all horses is \$10 until July 1, 1973, after which those one to two years of age pay \$25 and those two years and over pay \$100. A seven-member advisory council is created. Members serve two year terms and at least four of them must be Florida breeders. The council will recommend rules and assist the Department in collecting information and reporting complaints and violations.

Procedures for agricultural classification of land for ad valorem tax purposes were revised by House Bill 3772 (Chapter 72-181). Initial classification is by the county assessor, with appeal to the county commission as a board of tax adjustment. The classification is waived unless applied for by April 1 each year. Land must be primarily used for purposes defined as "good faith commercial agricultural use". The act specifies the factors that may be considered in determining whether the use of the land for agricultural

purposes is bona fide. A sale for more than three times the agricultural assessment creates a contrary presumption, but it may be rebutted by the owner.

Veterinary medicine planning at the University of Florida was appropriated \$352,880 by Items 230E-I of the General Appropriations Act, (Senate Bill 1154, Chapter 72-409). Eight positions were authorized.

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#### APPROPRIATIONS

Continuing the trend of recent years, the appropriations for fiscal 1972-73 showed a substantial increase over those for the prior year. Appropriations by year and by fund are:

<u>1971-72</u>	1972-73
\$1,353,845,043	\$1,651,303,077
1,408,892,797	1,730,533,795
\$2,762,737,840	\$3,381,836,872
	\$1,353,845,043 1,408,892,797

A significant change in trust fund operation was the local government revenue sharing program enacted as Senate Bill 2-F (Chapter 72-360), which was entirely new in its planned, formula concept and partially new in its funding (this bill is discussed in more detail under Local Government Tax Measures in TAXATION; REVENUE SHARING). The allocation of revenues in the General Revenue Fund is shown in the following tabulation:

Major Program:	Percent	Amount
Education	63.8	<sup>\$</sup> 1,053,085,428
Health & Rehabilitative Services	18.1	298,642,661
Judicial - Including Article V, State's	5	
Attorneys and Public Defenders	1.8	29,962,207
All Other Agencies	9.0	148,979,798
Employee Pay & Benefit Package -		
All Agencies	2.3	37,272,537
Fixed Capital Outlay	4.8	79,690,739
Tax Refunds	.2	3,669,707
Total General Revenue		\$
Fund Appropriations	100.0	<sup>\$</sup> 1,651,303,077

The foregoing data and the narrative comments that follow this page were prepared and supplied by the Senate Committee on Ways & Means. A detailed letter of legislative intent by item, developed and filed jointly by this committee and the House Appropriations Committee as required by Section 216.181(1), F. S., may be referred to for more specific information.

#### NARRATIVE COMMENTS ON APPFOPRIATIONS

In addition to continuation of current wort while programs, with provisions for additional positions and funds for normal growth, the Legislature approved changes and improvements in a number of areas of Statewide concern. Highlights of these are as follows:

#### State Employee Pay and Benefits

In addition to normal merit increase funds for State employees, moneys in the amount of \$43,718,694 have been provided to continue implementation of the "Brown Report," as recommended by the Governor, to bring the salaries of State employees into a more competitive position with salaries paid in the private sector. Also, \$2,582,465 has been set aside for pay scale adjustments for certain critical job classifications.

Recognizing that there are differences in the cost of living in various parts of the State, the Legislature provided funds (\$250,000) for a county-by-county study of cost of living differentials, and provided \$6,000,000 for differential pay rates to State employees based upon their work location.

Recognizing the need in yet another area, the Legislature appropriated some \$7,182,000 so that the State could provide, and partially pay the premiums for, a medical insurance program for State employees.

Funds were also provided to pay the Florida Highway Patrol for those legal State holidays during which they are required to be on duty, and provision was made for payment of overtime to all State law enforcement officers when called upon to perform extra duty because of civil disturbance or natural disaster.

Salaries of elected State officials have been increased, as shown in Section 14 of the General Appropriations Act.

#### Education

Florida School for the Deaf and the Blind:

A total of \$3,834,145 was provided from the General Revenue Fund for FY 1972-73, an increase of \$314,462 over estimated expenditures for FY 1971-72. The estimated total student population for FY 1972-73 is 880 students, an increase of 30 students, consisting of 645 deaf students and 235 blind students. Eight (8) new positions were provided for increase in students and services. An additional salary increase of \$100 was provided for the teachers.

Elementary and Secondary Education:

\$650,000 was advanced to fund the student financial aid program pending issuance of bonds per the Constitutional amendment approved by the voters in March 1972. \$1,541,000 was provided for education research and development, an increase of \$191,000 over estimated expenditures for FY 1971-72.

Funds provided for the minimum foundation program were based upon an estimated 70,882 instruction units for FY 1972-73, an estimated increase of 3,889 instruction units. The additional instruction units were primarily for continued phase-in of special instructional programs for kindergarten, exceptional children, and vocational-technical education. The plan for "equalization" was continued for FY 1972-73, requiring local effort of 6 mills, an increase of 1.5 mills over FY 1971-72, and providing an increase of \$1,650 in the MFP formula value for other current expenses. \$12,500,000 was appropriated to replace estimated school district tax loss for FY 1972-73 resulting from the additional \$5,000 homestead exemption. \$3,356,900 of the MFP appropriation was designated in a separate item for a school lunch program for needy children. A maximum amount for the required local effort for participation in the minimum foundation program for FY 1972-73 was established by HB 3699 (companion to SB 854). The effect was to establish a fixed sum for state funding purposes; local required effort subsequently determined for each school district to be computed in relation thereto. Beginning with FY 1972-73, SB 914 provides that the local required effort shall be based upon 90% of 100% of the non-exempt assessed valuation for the preceding calendar year.

The amount \$12,000,000 was appropriated for "District Cost Differential." Essentially, these funds are to "save harmless" any school district when the average unit value from state and local sources for FY 1972-73 does not exceed the computed value for FY 1971-72 by 4% or more, subject to various conditions as provided by proviso to the appropriation item. If the ratio study conducted by the Auditor General is declared invalid, the \$12,000,000 for district cost differential will become a part of the appropriation for the minimum foundation program.

Statutory authority for funding of "Additional County Capital Outlay" was repealed effective June 30, 1972. HJR 3576 (companion to SJR 853) provides for amendment of Section 9, Article XII, of the State Constitution to earmark revenues from tag fees for county capital outlay subject to voter approval at the November 1972 general election. Beginning FY 1973-74, this amendment would provide, above the \$400 per instruction unit presently funded, an additional \$200 per instruction unit for units earned for FY 1967-68 (base) and an additional \$400 per instruction unit for units earned (growth) in excess of the FY 1967-68 base. Based upon this allocation formula, \$17,348,400 was appropriated from the General Revenue Fund for FY 1972-73.

A total of \$761,591,003 was provided in the General Appropriations Bill from the General Revenue Fund and earmarked state funds (trust) for support to school districts for FY 1972-73, an increase of \$77,776,225 over estimated expenditures for FY 1971-72. In addition, \$2,800,000 was provided for elementary counselors in SB 239.

Division of Community Colleges:

A total of \$115.5 million dollars was provided the Division of Community Colleges for operating and capital outlay purposes during the 1972-73 fiscal year. This represents a \$15.6 million, or a 15.5%, increase over estimated 1971-72 expenditures. Total enrollment is expected to reach approximately 127,900 full time equivalent students in the 27 colleges during the 1972-73 school year, or an increase of 6.6% over the prior year. Several major changes were made in the minimum foundation program formula, including the determining of full time equivalent enrollment on a current year two-term average basis rather than on a prior year fall term basis.

Division of Universities:

A total of \$359,467,459 was appropriated from all sources to the Division of Universities for operations during the 1972-73 fiscal year. This includes appropriations for the administration, education and general, contracts and grants and auxiliary enterprises budgetary units and represents an increase of \$41,687,074 or 13.1% over the prior year.

A summary comparison of total 1972-73 operating appropriations for the administration (Board of Regents) and education and general budgetary units is as follows (Included in the latter unit are the budgets for the nine universities, the University of Florida Institute of Food and Agricultural Sciences, Health Center, Engineering and Industrial Experiment Station, Veterinary Medicine Planning and the University of South Florida Medical Center): Appropriations

Major Budget Segment	1971-72 Expenditures	1972-73 Appropriations	Increase over Amount	<u>1971-72</u> Percent
Administration(l)(2) Education & General	\$ 7,549,579 _224,955,869	\$ 10,403,3 <b>29</b> 255,685,0 <b>76</b>	\$ 2,853,750 <u>30,729,207</u>	37.8 13.6
Total	232,505,448	266,088,405	33,582,957	14.4
Positions	15,207	16,217	1,010	
Funding				
General Revenue (1) Trust (2)	161,896,795 70,608,653	191,196, <b>152</b> 74,892,253	29,299,357 4,283,600	18.0 <u>6.0</u>
Total	232,505,448	266,088,405	33,502,957	14.4

(1) Includes \$1,450,000 in General Revenue transferred from the Division of Elementary and Secondary Education for the University Demonstration Schools.

(2) Does not include \$3,160,676 in Debt Service Trust Funds for the Board of Regents.

Total enrollment in the state university system is expected to reach approximately 83,095 full time equivalent students. This represents an increase of 8,334 or 11.1% over the prior year. Of the total increase, over 5,100 are expected to enroll at the two new universities.

#### Health and Rehabilitative Services

Office of the Secretary and Administrative Services:

Provided funds amounting to \$250,000 for the development of Child Day Care Services for children of low income families. State funds will be matched with local funds donated from private organizations and community groups; and federal funds under Title IV-A. The General Revenue Funds appropriated in the amount of \$250,000 will be matched with \$2,250,000 local funds and \$7,500,000 federal funds resulting in a total program of \$10,000,000.

Provided General Revenue Funds in the amount of \$250,000 for a Psychiatric Residency Program (involving eight residents) for the four State Mental Hospitals and Community Mental Health Centers, which will improve the Institutional and Community Mental Health Programs.

A total of \$150,000 Trust Funds, including nine new positions, was authorized to increase the internal audit capability for review and audit of hospital and nursing home per diem costs, to verify that the State is not paying more than required for appropriate services.

In regard to the Drug Abuse Program, Grants and Aids were increased \$265,135 General Revenue Funding to a total of \$500,000 in order to increase the number of grants to local programs.

Division of Planning and Evaluation:

The Kidney Disease Program was increased by \$100,000 General Revenue Funding to a new total of \$200,000 in order to improve program operations.

#### Division of Corrections:

Discharge pay for inmates released was increased from \$25 to \$50, plus a bus ticket for those desiring transportation, which required an increase in General Revenue Funding of \$185,485 to a total requirement of \$301,200. Division of Corrections (continued):

Provided \$138,980 to improve the quantity and quality of food served inmates at major institutions, which increases the cost of food products at major institutions to \$2,307,079, resulting in a cost of \$0.83 per population day.

A lump sum of \$200,000 General Revenue Funding was provided, including fourteen new teaching positions, to expand the current vocational educational and training program to teach inmates skills which will enable them to become employed and self-sufficient when released.

Funds were appropriated to expand the Community Correctional Centers Program and included the following increases:

The conversion of the Santa Fe Correctional Parm into a Community Correctional Center at a total cost of \$136,681.

A lump sum of \$512,178 for six additional Community Centers including fifty-four new positions.

A lump sum of \$850,000 to convert five road prisons into Comcunity Correctional Centers (\$750,000 for operations and \$100,000 for renovations).

This action in summary provides for a total of 28 Centers during FY 1972-73, including 16 Centers currently authorized. The total capacity of the twenty-eight Centers will amount to 1,400 inmates.

#### Division of Youth Services:

A lump sum of \$950,000 was provided for Regional Detention and Shelter Care Services for Children in accordance with Senate 3ill 490. These funds are intended to be used to assume not more than fifty-percent of the cost of operating the Dade County Juvenile Detention Facilities (Youth Hall and use of three cottages at Kendall Training School) effective October 1, 1972; provided however, if matching funds should become available during the year which would provide for similiar programs to be established in other counties, a portion of the \$950,000 will be used for matching purposes to implement such programs.

Provides a total of \$653,800 including sixty-three new positions to staff four new Start Centers, three new Group Treatment Homes, and three TRY Centers to be phased-in during FY 1972-73.

Division of Mental Health:

Provides \$4,656,495 (\$1,330,495 General Revenue and \$3,326,000 Trust Funds) in the General Office and Mental Hospitals to implement the provisions of Chapter 71-131, Laws of Florida - Florida Mental Health Act, which becomes effective July 1, 1972.

A total of \$332,000 and fifty new positions (which constitute the initial staff) were authorized for the Tampa Mental Health Institute which is due to open July 1973.

Provides \$400,000 General Revenue Funding to implement the initial stages of the Comprehensive Alcoholism Prevention, Control and Treatment Act, Chapter 71-132, Laws of Florida, effective July 1, 1973.

Division of Retardation:

Increased General Revenue Funding for major institutions \$998,750 to correct deficiencies and to improve programs at the Sunland Hospital at Orlando.

Division of Family Services:

Provided 958 new positions and \$4,122,127 for increased workload and to improve quality control measures.

Converted 175 social worker positions to para-professionals in order to free the social workers from routine assignments, which results in a savings of \$608,650. Division of Family Services (continued):

Raised maximum grant for the three adult categories (Old Age Assistance, Aid to the Blind, and Aid to the Permanently and Totally Disabled) from \$114 to \$121 per month, which required a funding increase of \$686,064 (\$299,810 General Revenue and \$386,254 Trust Funds).

By ruling of the U. S. District Court, Cuban refugees are now eligible for Public Assistance, as citizenship or residence requirement previously applied is invalid. Cuban refugees are required to take advantage of the Cuban Refugee Program first, then the State-Federal Public Assistance Program. The cost of an average grant at the current level of \$114 amounts to \$28 per month, but as of July 1, 1972, will increase to \$35. In order to assume the assistance payments for FY 1972-73, additional funding in the amount of \$7,786,380 (\$1,140,371 General Revenue and \$6,646,009 Trust Funds) was required.

Aid to Families with Dependent Children was increased from 60% to 65% of unmet budgetary needs. This action required an increase which was included in the appropriation bill of \$10,146,289 (\$4,433,929 General Revenue and \$5,712,360 Trust Funds).

Funds were provided in the appropriation bill for two new programs required by Federal regulation which consist of the following: Medical Screen of Children \$5,606,919 (General Revenue \$2,205,201 - Trust Funds \$3,401,718) and Patient Transportation \$1,211,332 (General Revenue \$476,417 - Trust Funds \$734,915).

#### Judicial

Supreme Court:

Seven (7) new positions were authorized for FY 1972-73. \$14.000 was provided for the Traffic Court Rules Committee and \$2,000 contingency fund for the Chief Justice. The salary for supreme court justices was increased from \$34,000 to \$36,000 per annum.

District Courts of Appeal:

Three (3) new positions were authorized for FY 1972-73 for the Third District Court of Appeals, including 1 additional judge. However, implementing legislation for the additional judge did not pass. The salary for district court judges was increased from \$32,000 to \$34,000 per annum.

Circuit Courts and Related Matters:

The General Appropriations Bill provided 142 circuit judges and 66 court reporters. The implementing appropriations in HB 4493, based upon revised Article V approved by the voters in March 1972, provided for a total of 261 circuit judges and 96 court reporters.

Implementing legislation was also passed which provided per diem of \$10 per day and mileage of 10¢ per mile for jurors and witnesses.

A total of \$12,046,851 was provided for FY 1972-73, an increase of \$4,721,562 over estimated expenditures for FY 1971-72. Additional positions for implementing Article V were phased-in for six months in FY 1972-73. The salary for circuit judges was increased from \$30,000 to \$32,000 per annum.

#### County Courts:

Under revised Article V approved by the voters in March 1972, HB 1-F established 147 county judges. Twelve (12) of the county judge positions are contingent upon municipal courts being abolished in certain counties.

Funding in the total amount of \$3,237,314 was provided in HB 4493 which includes 2.25 support positions per judge. The appropriation provided for six month phase-in in FY 1972-73.

The salary for county judges was established at \$24,000 per annum in counties having a population of 40,000 or less and \$28,000 per annum in counties above 40,000 population.

#### State Attorneys:

The funding formula and appropriation therefor was provided in SB 818. The formula basically provided 95¢ per capita based upon the estimated population at January 1, 1973. The appropriation provided for six month phase-in of the felony caseload handled by county solicitors which are abolished under the revised Article V.

The annual salary to be paid the state attorney was based upon population of the judicial circuit; \$28,000 for a population of 100,000 or less, \$30,000 for a population of 200,000 or less, and \$32,000 for a population of more than 200,000.

A total of \$6,896,812 was provided for FY 1972-73, an increase of \$1,373,369 over estimated expenditures for FY 1971-72. Any misdemeanor caseload is to be funded by county supplement.

Public Defenders:

Beginning FY 1972-73, a per capita funding formula was established for public defenders in SB 819. The formula basically provided 54¢ per capita plus an additional amount in four circuits to handle appeals. All county supplements, except for any misdemeanor caselord, was terminated.

The annual salary to be paid the public defender was based upon population of the judicial circuit; \$25,000 for a population of 100, or less, \$27,000 for a population of 200,000 or less, and \$30,000 for a population of more than 200,000.

A total of \$4,565,049 was provided for FY 1972-73, an increase of \$2,325,553 over estimated expenditures for FY 1971-72.

#### Conservation and Natural Resources

A substantial increase of approximately \$4.5 million was provided in the water resources development account for acquisition of water storage lands and construction matching requirements in the major water management districts.

Funds were also provided (\$150,000) for a feasibility study and pilot project concerning the storage of surplus water in, and reclamation of, aquifers. In addition, in a separate bill \$75,000 has been provided to implement a study of water management districts encompassing the entire State and for supervision and regulation of water wells and water management structures.

The Legislature also substantially strengthened the Department of Pollution Control with the addition of 48 field positions for air and water pollution monitoring and control.

The staff of the Trustees of the Internal Improvement Fund was substantially increased (23 new positions) to improve their field capability in supervision and regulation of dredge and fill, and in control and utilization of State lands. The Trustees' operations are now to be funded from General Revenue, and their trust funds available, anticipated at \$4.0 million in 1972-73, have been appropriated for the purchase of natural resources lands.

#### Commerce, Labor and Development

For 1972-73, the Legislature provided \$600,000 in Paid Advertising and Promotion funds, to further the business and tourist development of the State, and funded a new Welcome Station on I-95 north of Jacksonville (\$172,000).

The Legislature also implemented a new program of Rural Economic Development to assist the rural and lower economic regions of the State to improve their economic base. \$115,574, including four new positions, was provided to begin this program.

In addition, \$80,000 was provided to fund the State's participation in the Coastal Plain Regional Commission, a southeastern states' commission designed for cooperation in securing economic assistance for underdeveloped regions of the states.

In the field of labor, the Legislature authorized an additional 35 positions (\$357,457 federally funded) for occupational safety and health inspection and regulation.

The State's Bicentennial Commission was strengthened with additional funding, \$511,816 being appropriated from trust funds for operations of the Commission, including \$372,000 for grants to localities to assist in preparation for celebration of the Nation's bicentennial in 1976.

Legislation was passed, and \$150,000 appropriated, to begin coordination and supervision of land and water use and management in areas of critical State concern.

#### General Government

\$64,450 has been provided to establish an office of Consumer Advisor in the Governor's Office.

Funds and positions have been provided to implement the Capitol Center Centrex telephone system. \$300,000 was appropriated for initial funding of a communications working capital fund.

The Legislature also authorized the establishment of motor vehicle pools in the west and north central areas of the State, in furtherance of the motor pool concept to eventually cover the entire State.

Provided eighty additional Highway Patrolmen, with support personnel, and funds to trade Patrol vehicles at a maximum of 50,000 miles.

Provided a lump sum of \$300,000 for implementation of and required hearings under the "no fault" insurance law.

\$500,000 lump sum has been provided the Auditor General to implement a welfare fraud investigations program in that office.

Funds and positions have been provided the Department of Revenue for full implementation of the corporate income tax and State administration of the intangibles tax.

\$174,895 was provided to strengthen security measures and facilities in and around the Governor's Mansion.

In the field of transportation, the Legislature provided 15 additional positions and funding for implementation of the outdoor advertising and junkyard control act; provided 100 additional positions to insure the timely completion of planning and obligation of funds for the remainder of the Interstate highway system in the State; provided 75 additional positions to improve the maintenance of State road and bridge facilities; and 12 additional positions to further expand and improve the State's effort in the field of mass transit of goods and people.

#### Legal Affairs

A total of 32 new positions was authorized for the Department of Legal Affairs. Of these additional positions, 17 positions were for the Criminal Appeals Section, 12 positions were to establish a Tax Litigation Section, and 3 positions were to establish an Anti-Trust Section. Sixteen of the total new positions were for attorneys and 16 positions were for support positions. A total of \$2,167,067 was provided for FY 1972-73 from the General Revenue Fund, an increase of \$476,696 over estimated expenditures for FY 1971-72.

#### Parole and Probation

Program was increased \$2,441,742 in General Revenue funding of the Parole and Probation Commission for 309 additional positions and related costs which are described as follows:

- 272 additional officer and clerical positions due to the increased work load using current staffing formula of 80 work load units per supervisor;
- 2) 18 additional positions to increase the interviewing capabilities of the Commission; and
- 3) 19 additional Central Office staff due to increased work load; also provided \$452,585 in a lump sum, Special Project Category Fund, to be held in reserve until it has been determined advisable to continue the Intensive Parole and Probation Project for an additional five-month period (December 1, 1972 to April 30, 1973). This program is being Federally funded through November, 1972.

#### Community Affairs

The funding program for the Department of Community Affairs, Division of Technical Assistance, was increased \$153,962 to provide \$116,462 to implement CS for SB 771 "The Florida Housing Act of 1972" and \$37,500 for funding the Governor's Task Force on Housing for fiscal year 1972-73.

#### Law Enforcement

A total of 31 new positions was authorized in the Department of Law Enforcement for FY 1972-73; 4 positions in the Office of the Executive Director, 22 positions in the Division of Operations, and 5 positions in the Law Enforcement Data Center. A total of \$7,205,273 was provided for FY 1972-73 from the General Revenue Fund, an increase of \$906,275 over estimated expenditures for FY 1971-72.

#### Fixed Capital Outlay

A total of approximately \$80.0 millions in General Revenue has been appropriated for fixed capital outlay for State projects in 1972-73, about four times the amount appropriated in 1971-72. Detailed listings of fixed capital outlay appear in Section 4 of the General Appropriations Act. Summary of General Legislation, 1972 . . . Florida Legislature

### BUSINESS REGULATION

## ALCOHOLIC BEVERAGES

House Bill 3180 (Chapter 72-230) revised, restructured, and streamlined the entire alcoholic beverage laws. As outlined by the Committee Staff Report, Items 1, 2 and 3, below, made substantive changes as indicated, while Items 4, 5, and 6 were designed as housekeeping measures.

- 1. <u>Special club licenses</u> The limitation on special club licenses was lifted, eliminating the need for local legislation on this subject. The minimum acreage for golf clubs eligible to receive special club licenses was reduced from 100 to 70 acres and golf clubs were allowed to either own or lease the land on which they operate.
- 2. Special restaurant, hotel, or motel licenses The act established uniform standards for special restaurant licenses of 2500 sq. ft., 150 patrons, and 51 percent of business in food and nonalcoholic beverages except in counties having special laws to the contrary. Special licenses issued under prior law are not affected. The owner of a hotel or motel was allowed to lease his restaurant operation to operate independently of the hotel or motel and to utilize the special liquor license in providing room service within the hotel or motel.
- 3. <u>Manufacture of wine for home consumption</u> Persons who have a valid federal tax permit were authorized to manufacture 200 gallons of wine for home consumption in Florida.

- 4. Obsolete provisions deleted: Tax stamp provisions, which became obsolete in 1969 when the use of stamps was abolished; and special statutory zoning provisions, which are unnecessary in light of the 1968 Revised State Constitution and subsequent legislation granting broad home rule powers to counties and cities.
- 5. <u>Style and grammar changes</u> The act modernized archaic and stilted language throughout the beverage law.
- 6. <u>Restructure of chapters</u> The chapters of the Florida Statutes dealing with alcoholic beverages were restructured as follows:

Chapter 561 - - - General Regulation Chapter 562 - - - Enforcement Chapter 563 - - - Malt Beverages Chapter 564 - - - Wine Chapter 565 - - - Liquor

Several other beverage bills were passed. Senate Bill 346 (Chapter 72-269) authorized the home production of wine, and House Bill 1137 (Chapter 72-61) authorized golf club licensees to either own or lease the land on which they operate, making the same changes as were provided in the major revision above. Senate Bill 970 (Chapter 72-380) authorized a bona fide nonprofit civic organization to have an annual one-day COP license for a fee of \$25.00. Senate Bill 135 (Chapter 72-183) permitted the employment of minors in bowling alleys selling alcoholic beverages, provided the minors are not directly involved in the

preparation, sale or serving of such beverages. House Bill 3178 (Chapter 72-42) restricted the \$1,000 additional fee for beverage vendors who have more than three separate locations serving beverages for consumption on the premises by restricting the provisions to apply only to permanent locations accessible to the public.

The 2500 person limit on licenses was made countywide by House Bill 4284 (Chapter 72-260), which deleted its application also to municipal limits. House Bill 1277 (Chapter 72-272) permits vendors and clubs to purchase alcoholic beverages from other licensed vendors. The reissuance of licenses in certain municipalities in counties having a population of over 100,000 was authorized by Senate Bill 736 (Chapter 72-83).

## PARI-MUTUEL INDUSTRY

The racing day for thoroughbred racing during the summer season, May 6 until November 12 of each year, was extended from noon to midnight daily instead of from noon to six p.m., by Senate Bill 1009 (Chapter 72-200). The commission to be withheld by harness racing licensees was increased from 17% to 19% maximum by Senate Bill 650 (Chapter 72-129), with the condition that the increase be paid currently as additional purses and prices. Licensees are required to show by their records that their total purses and prizes actually paid are increased over the preceding season by the full amount of such excess. The act is effective October 1, 1972. The voluntary registration of

Florida-bred quarter horses and the payment of quarter horse breeders awards were authorized by Senate Bill 890 (Chapter 72-158). (This act is discussed more fully in the article on Agriculture.)

## PROFESSIONAL AND OCCUPATIONAL REGULATION

## In General:

Senate Bill 491 (Chapter 72-125) prohibits the disqualification of any person applying for examination to practice any occupation or profession regulated by one of the regulatory boards listed in Chapter 455, Florida Statutes, solely because he is not a United States citizen. The board may require proof of intention to become a citizen and may revoke a license issued to a non-citizen if it becomes apparent to the board that the licensee does not intend to become a citizen.

## Barbers:

House Bill 3038 (Chapter 72-383) authorized up to three apprentices to be employed for each master barber, transferred Broward County from the Sixth to the Fifth District of the Barbers' Sanitary Commission, and deleted requirement that the at-large member be a sanitarian. Senate Bill 342 (Chapter 72-90) requires barbers and barber apprentices from other states who seek licenses in Florida to complete any additional training required of them in a Florida approved barber college or school. House Bill 185 (Chapter 72-138) established the category and qualifications of barbers' assistants, who are authorized to shampoo the hair and apply hair tonics or conditioners under the supervision

of a licensed barber, and provided for their certification by the Barbers' Sanitary Commission.

## Construction Industry:

Upon furnishing satisfactory proof why they had not previously registered, persons who were engaged in contracting for at least two of the three years preceding September 1, 1967 and have a favorable credit reputation may apply for registration by the Construction Industry Licensing Board during a 180-day period beginning August 1, 1972, the effective date of House Bill 3450 (Chapter 72-393). House Bill 3568 (Chapter 72-395) authorized exemption of persons who build or improve on their own property farm buildings for their use and not for sale, or who build or improve on their property at a cost of under \$25,000 commercial buildings for their use and not for sale or lease.

#### Consumer Claim Collections:

The business of acting as agent in the collection of claims from natural persons on obligations they have incurred, endorsed or guaranteed for personal, family or household purposes, heretofore unregulated, is now subject to the supervision of the Division of General Regulation, Department of Business Regulation, under Committee Substitute for House Bill 2861 (Chapter 72-81). Requirements for obtaining a license to operate a collection agency are specified, as are provisions concerning claims collectors, license renewal, prohibited practices, payments and charges, liabilities and enforcement. Agencies in business on October 1, 1972, may

be automatically licensed if they qualify within four months of that date. An advisory council composed of five certificate holders may be appointed by the division.

#### Dentists:

House Bill 1451 (Chapter 72-5) changed dental assistants to dental auxiliaries and made related changes. House Bill 1452 (Chapter 72-100) increased the fees for dental licenses. Senate Bill 293 (Chapter 72-185) provided for graduates of foreign dental schools not approved by the State Board of Dentistry to furnish evidence of achieving the minimum certification score on the examination of the National Board of Dental Examiners, and to exhibit satisfactory manual skills on a laboratory model before being eligible for the examination. Senate Bill 989 (Chapter 72-375) required the educational and training requirements for dental hygienists to meet standards accredited by the Council on Dental Education, American Dental Association.

## Electronic Repair:

Senate Bill 1078 (Chapter 72-160) authorized the imposition of a civil penalty for persons violating the Florida Electronic Repair Act.

## Engineers and Land Surveyors:

Committee Substitute for Senate Bill 41 (Chapter 72-29) coordinated the laws relating to professional engineers and land surveyors, which are regulated by a single board. Senate Bill 482 (Chapter 72-30) provided new definitions for land surveyor and related terms.

#### Funeral Directors and Embalmers:

House Bill 2026 (Chapter 72-75) amended the educational requirement for licensing as a funeral director and embalmer, increased the fees to be paid to the board, and added authority for the imposition of a civil penalty for violation of the law or regulations. House Bill 3509 (Chapter 72-148) authorized the executive secretary of the State Board of Funeral Directors and Embalmers to sign subpoenas for the board. House Bill 3507 (Chapter 72-146) increased the number of apprentices permitted in certain funeral home training agencies, House Bill 3506 (Chapter 72-145) provided educational qualifications for apprentices, and House Bill 3508 (Chapter 72-147) changed the term apprentice to intern. Committee Substitute for House Bill 316 (Chapter 72-78) made extensive revisions in the laws relating to cemetery companies.

#### Hotels and Restaurants:

New fee schedules, license count, late charges and deleted exemptions for the licensing of public lodging and food service establishments were provided by Committee Substitute for Senate Bill 607 (Chapter 72-228).

## Investigative Agencies:

Financial institutions, federally regulated consumer credit reporting agencies and collection agencies were exempt from the investigative agency licensing law by House Bill 3069 (Chapter 72-117).

## Land Sales:

The Division of Land Sales were authorized by Senate

Bill 1161 (Chapter 72-378 ) to require a subdivider to create an escrow account which is maintained in a financial institution in the state. House Bill 4280 (Chapter 72-365 ) authorized the division to impose civil penalties.

## Landscape Architects:

House Bill 603 (Chapter 72-59) amended the definitions pertaining to landscape architects and authorized the corporate and partnership practice and certification.

### Massage:

Committee Substitute for Senate Bill 60 (Chapter 72-163 ) requires all massage establishments to be approved by the State Board of Massage, adds two members to the board and requires applicants to submit fingerprints.

## Optometry:

House Bill 1691 (Chapter 72-103) provides standards and regulations for establishing branch offices for optometrists. Senate Bill 359 (Chapter 72-187 ) increased the annual fee for registration of optometrists from \$50 to \$100 maximum and made it applicable to branch offices. Senate Bill 360 (Chapter 72-32) revised the provisions pertaining to the membership of the State Board of Optometry.

## Pharmacists:

Senate Bill 935 (Chapter 72-177) added a requirement for satisfactory completion of an internship program as a prerequisite to taking the examination to become a pharmacist. House Bill 1610 (Chapter 72-74 ) defined prescription to include an order for drugs prepared by a practitioner licensed

in a state other than Florida and requires a pharmacist, in the exercise of his professional judgment, to determine that it is authentic and was issued pursuant to a valid patientphysician relationship, and that drugs are necessary for treatment of illness. If he doesn't know the physician, he must get reasonable proof of the validity of the prescription. Physicians:

Senate Bill 165 (Chapter 72-9) provided an additional method by which a graduate of a foreign medical school may qualify to take the examination for medical practice. Committee Substitute for House Bill 3258 (Chapter 72-144) revised the provisions of Chapter 459, Florida Statutes, relating to osteopathic physicians.

## Real Estate:

Applicants for real estate licenses must submit their fingerprints, according to House Bill 3806 (Chapter 72-231). Veterinary Medicine:

Committee Substitute for Senate Bill 501 (Chapter 72-167) authorized reciprocal license for veterinarians licensed in other states that use a national examination as one of its criteria. A provision was added requiring the use of such examination in Florida.

Summary of General Legislation, 1972 . . . . Florida Legislature

## CIVIL LAW, ACTIONS AND PROCEDURES

With regard to changes in the civil law of Florida, the impact of the 1972 legislative session falls most upon the law of partnerships and of personal injuries. The adoption of the Uniform Partnership Act, the repeal of the "Guest Statute" and the enactment of a revised Wrongful Death Act loom large on the horizon of significant change in these areas. Indicative of a new area of legislative interest, the legislation affecting or imposing regulations upon the mobile home parks also is of importance. For ease of discussion, the acts affecting the civil law are roughly divided among such subjects as actions, landlord and tenant, real estate and conveyancing, estates, trusts and guardianships, partnerships, corporations, judicial proceedings, and miscellaneous provisions.

#### ACTIONS

Motor Vehicle Guest Statute. Senate Bill 69 (Chapter 72-1) repealed §320.59, F.S., a 1937 statute known as the "Guest Statute", which provided that an owner or operator of a motor vehicle was not liable to a nonpaying guest or passenger, unless the accident was proximately caused by the gross negligence or willful and wanton misconduct of such owner or operator. The repeal was effective February 14, 1972.

Wrongful Death Act. House Bill 120 (Chapter 72-35) revises Chapter 768, F.S., by enacting a new Wrongful Death Act, which re-

quires a single action to be brought by the personal representative on behalf of the surviving spouse, minor children, parents, dependent relatives, and the estate of a decedent whose death is caused by the wrongful or negligent act or breach of contract or warranty of any person. No action for the personal injury survives the death of the injured person. The damages recoverable by each potential beneficiary are specified and the verdict is required to state separately the amount awarded to each survivor. Damages may be recovered by a surviving spouse for loss of companionship, protection and for mental pain and suffering from the date of injury and by the decedent's minor children for loss of companionship, instruction and guidance and for mental pain and suffering from the date of injury. In determining damages for the estate, evidence of the spouse's remarriage is admissible. While an action under this act is pending, any settlement as to amount or apportionment, which is objected to by any survivor or which affects a minor or incompetent survivor, must be approved by the court. The act is applicable to deaths occurring on and after July 1, 1972, at which time \$\$768.01 - .03, F. S., are repealed.

Construction Contracts. House Bill 778 (Chapter 72-52) makes void and unenforceable any part of a construction contract wherein one party obtains indemnification from liability for damages unless there is a monetary limit on the indemnification which is part of the specifications or bid documents or the person indemnified gives specific consideration for the indemnification specified in such documents. Effective January 1, 1973.

#### LANDLORD AND TENANT

Security Deposits. Section 83.261(2), F. S., relating to the duty of a landlord to hold security deposits of tenants in trust and prohibiting him from commingling them with other funds, is amended by Committee Substitute for Senate Bill 244 (Chapter 72-43) to remove the \$100 minimum application provision. If security deposits are not held in trust and uncommingled, they accumulate interest at 5% per annum, except that if they are deposited in an interest-bearing account, the tenant is entitled to at least 75% of the interest. Within 15 days of the tenant's vacation of the premises, the landlord is required to either return the security deposit plus interest to the tenant or to give him written notice by certified mail of his intention to impose a claim thereon. Effective October 1, 1972.

(See also: Discussion relative to House Bill 1043 (Chapter 72-19) under Mobile Home Parks)

Mobile Home Parks. The actions of mobile home park owners or operators, particularly with respect to eviction and fees, are regulated by Committee Substitute for House Bills 1041, 1042, and 1044 (Chapter 72-28). The eviction of a mobile home dweller from a mobile home park is prohibited except for (1) nonpayment of rent, (2) violation of an ordinance deemed detrimental to the welfare and safety of other park dwellers, or (3) violation of a written park rule, after 30 days' notice. Cumulative eviction proceedings may be established in the written lease. The park owner or operator is required to disclose all fees and rules prior

to the dweller's assumption of occupancy and is prohibited from raising fees or changing rules without 30 days' written notice. He is also prohibited from requiring residents to purchase equipment from him but he may determine, by regulation, the style or quality of such equipment to be purchased by the tenant from the vendor of the tenant's choosing. In addition, the park owner or operator is prohibited from charging fees solely on the basis of an installation of a gas or electric appliance or from restricting such installation or other interior improvements which otherwise comply with building codes or other laws. Unreasonably restricting sales of mobile homes, or charging fees in connection with sales, is prohibited unless the park owner or operator acted as agent under written contract. Effective March 8, 1972.

House Bill 1043 (Chapter 72-19) amends §83.261(2), F. S., relating to the duty of landlords with respect to security deposits over \$100, to provide that said section applies to mobile home parks except that the minimum security deposit subject to this section with regard to mobile homes is \$50. "Tenant" is defined as including the owner or lessee of a mobile home, and "housing unit" as including a lot or space for mobile homes. Effective January 1, 1973.

#### REAL ESTATE AND CONVEYANCING

<u>Plats</u>. Section 177.041, F. S., is amended by Senate Bill 529 (Chapter 72-77) to require that every plat of a subdivision submitted to the approving agency of the local governing body be accompanied by a title opinion of an attorney-at-law or a

certificate by an abstractor or a title company showing that "apparent record title" to the described land is in the name of the person or corporation executing the dedication, and if the plat does not contain a dedication, that the developer has apparent record title. In addition, the title opinion or certificate is required to show all mortgages not satisfied or released of record. Effective June 1, 1972.

Platted Streets. The determination of ownership of abandoned platted streets is provided by Committee Substitute for House Bill 3954 (Chapter 72-257). If a land owner-subdivider dedicates the streets, alleys, etc., in a subdivision with a provision that if abandoned, the dedicated portion reverts to the dedicator, his heirs, successors, assigns or legal representatives, or similar language, and he subsequently conveys parcels abutting the dedicated portion, the conveyance to the abutting lots carries the reversionary interest out to the center line of the dedicated street unless otherwise clearly indicated. Current holders of reversionary interests in streets within recorded plats are given one year from the effective date of this act to institute suit to establish or enforce their rights. Effective July 1, 1972.

ESTATES, TRUSTS AND GUARDIANSHIPS

<u>Guardians - Settlement of Claims</u>. House Bill 3993 (Chapter 72-258) amends §774.13, F. S., by removing the limitation that a natural guardian may not handle his minor child's tort claims in excess of \$500 without court appointment, authority or bond in order to permit him to do so with regard to claims not exceeding

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\$2,500. Section 744.60, F. S., is also amended to provide that settlement of claims over \$2,500 by or on behalf of a minor may be made before action has begun by his natural guardian without bond although such may be required when the settlement exceeds \$2,500 and without legal guardianship although such may be required if the amount exceeds \$10,000. Once the action has begun, settlement requires court approval, but the court may authorize the natural or court-appointed guardian to collect the settlement or judgment and to execute a release or satisfaction. Section 744.601, F. S., requiring court approval of settlements of tort actions on behalf of infants or incompetents, is repealed. Effective July 1, 1972.

<u>Funeral Expenses</u>. The maximum amount a personal representative is authorized to pay for funeral expenses is increased by House Bill 3582 (Chapter 72-149) from \$750 to \$1,000 provided there are adequate funds in the estate. Effective March 31, 1972.

Inventories. Senate Bill 280 (Chapter 72-370) amends \$193.052(7), F. S., to require all fiduciaries to file with the Department of Revenue a copy of each inventory of an estate, trust, or guardianship and to eliminate the requirement of filing annual or final accountings with the tax assessor. PARTNERSHIPS

Uniform Partnership Act. Florida's adoption of the Uniform Partnership Act, effective January 1, 1973, pursuant to House Bill 3183 (Chapter 72-108), serves to fill in the many large gaps in the state's partnership law, which has caused confusion and

uncertainty. It establishes for the much neglected partnership a workable pattern of law, comparable to the state's corporation and limited partnership statutes. Because there are few provisions in the UPA that the partners are not able to nullify by specific agreement to the contrary, the UPA does not impose any appreciable limit on the versatility of the partnership form of business organization. Indeed, it provides an intelligible and practicable framework for the partnership whenever the partners themselves have inadvertently failed to do so.

The UPA governs all partnerships now or hereafter formed, except that it does not impair any existing contract or affect any action begun or right accrued. The Act is also applicable to limited partnerships except where the statutes applicable thereto are inconsistent with it.

A partnership is defined as "an association of two or more persons to carry on a business for profit as co-owners," and rules for determining the existence of a partnership are provided. The sharing of profits, with certain specified exceptions, is made prima facie evidence that a person is a partner, instead of the present vague "intent of the parties" test. "Business" contemplates every trade, occupation, or profession, and "person" includes individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.

The nature of a partner's interest in the partnership is his share of the profits and surplus, and is personal property.

The nature of his right in specific partnership property is a "tenancy in partnership," which is not subject to rights of dower, curtesy or allowances to widows, heirs or next of kin and, upon the death of a partner, vests in the surviving partner or partners. Title to real property may be taken and conveyed in the partnership name instead of in the name of the individual partners. All property brought into the partnership or subsequently acquired on account of the partnership or acquired with partnership funds is partnership property.

A partner may not assign his interest in specific partnership property but may assign his interest in the partnership without automatically dissolving the partnership, unless the other partners oppose the conveyance, preserving the creditors' preference. Such an assignment merely entitles the assignee to the assigning partner's share of the profits. By means of a unique technique called a charging order, a judgment creditor of an individual partner may levy on and sell the interest of a partner for payment of his debt without causing a dissolution.

Every partner is normally an agent of all the other partners and of the partnership for the purpose of its business, and partners acting, or appearing to act, as agents of the partnership will bind the partnership. If a person represents himself or permits himself to be represented as a partner, he is liable as if he were, not only to persons who knew of and relied on such representation but also to others if the representation was made in a public manner. An incoming partner is liable for all obligations of the partnership arising before his admission, but this

liability is limited to his contribution. All partners are jointly liable for contracts and jointly and severally liable for a partner's torts or breaches of trust.

Subject to any agreement between the partners, the rights and duties of the partners are determined by the rules expressed in the UPA. Each partner is accountable to the partnership as a fiduciary, and each has the right to an accounting of partnership affairs.

Causes and effects of dissolution are set forth, and dissolution by decree of court is provided. Rules for distribution and rights of partners after dissolution are set forth.

Section 620.55, F. S., relating to acquisition, conveyance and encumbrance of partnership property, is repealed and replaced by the UPA provisions.

Limited Partnerships. Senate Bill 1274 (Chapter 72-195) amends §620.31, F. S., to provide for the reinstatement of the certificate of authority of domestic limited partnerships upon payment of all delinquent taxes and filing of all delinquent reports. The same rights and privileges are granted to any limited partnership which prior to the effective date of this act had its name published for failure to renew such certificate and has filed a new certificate of limited partnership. Effective April 7. 1972. CORPORATIONS

Fractional Shares. Issuance of fractional shares, redeemable in cash or scrip, by corporations to effect transfers, distributions or classifications, mergers, consolidations or reorganizations is authorized by §608.151, F. S., created by Senate Bill 838

(Chapter 72-95). Fractional shares or scrip may be combined into full shares. Effective March 28, 1972.

JUDICIAL PROCEEDINGS

Sheriff's Fees. Senate Bill 595 (Chapter 72-92) repeals §30.23, F. S., relating to fees of sheriffs and constables, and amends §30.231, F. S., to provide a new schedule of sheriff's fees for summons, subpoenas, and executions. Fees for all summons and writs (except subpoenas and executions) are increased from \$5.00 to \$7.50 per person served, fees for all writs (except executions requiring a levy or a seizure of property) are increased from \$5.00 to \$5.00 plus \$7.50, and the witness subpoena fee is increased from \$3.50 to \$5.00 per witness served. Fees for execution are as follows: \$5.00 for docketing and indexing each writ of execution; \$5.00 for each levy; \$2.00 for advertisement of sale under process; \$2.00 for sale under process; and \$2.00 for deed or bill of sale. The sheriff is entitled to collect such fees after levy notwithstanding payment of the debt to the plaintiff and to collect actual and necessary expenses for the levying, safekeeping and sale of property under levy. All fees collected are nonrefundable and no additional fees may be required for alias and pluries documents when service was not effected on the original document. All fees collected are to be paid into the county fine and forfeiture fund monthly. Section 30.45, F. S., relating to sheriff's fees of counties having a population in excess of 475,000, is repealed in order to effect uniform fees throughout the state. Effective July 1, 1972.

Execution. House Bill 4 (Chapter 72-12) places the burden of proof on the defendant, in proceedings supplementary to execution, to establish that a transfer or gift to his wife, relative or other person in a confidential relationship, of personal property which he held title to or paid the purchase price for within one year before service of process upon him, was not fraudulent. Previously, the burden of proof was on him only if he had title or paid the purchase price within one year before the issuance of execution. Effective July 1, 1972.

Deaf Persons. Appointment by the trial judge of a qualified interpreter of the deaf sign language to interpret the proceedings to the deaf person and to interpret his testimony when he is a party or witness in any trial court proceeding is required by §90.243, F. S., created by Senate Bill 1227 (Chapter 72-229). The interpreter's fee is judicially-determined and county-paid. MISCELLANEOUS PROVISIONS

Disposal of Evidence. The clerk of a circuit court, court of record, county court or county judge's court is authorized by Senate Bill 86 (Chapter 72-7) to dispose of physical evidence held as an exhibit for more than ten years and on which no appeal is pending or can be made. Items having monetary value are to be sold and the proceeds placed in the clerk's general revenue fund. Effective February 7, 1972.

Notary Seals. Effective January 1, 1973, notary public seals may be of the rubber stamp or impression type pursuant to an amendment to §117.07, F. S., by Senate Bill 159 (Chapter 72-8).

Summary of General Legislation, 1972 ... Florida Legislature

### COMMERCE

Several reorganizations occurred in the Department of Commerce. A Division of Tourism was created by House Bill 3267 (Chapter 72-205) and was assigned the performance of some of the functions previously performed by the Development Commission, including the managing of visitors centers and welcome stations within the state, providing of informational services concerning Florida's tourist and visitor attractions, and disseminating such information through commonly used media within the state.

Committee Substitute for House Bill 3165 (Chapter 72-241) reconstructed the Industrial Relations Commission to consist of three members appointed by the Governor with the advice and consent of the Senate, all of whom shall serve full time. Each member appointed is to have the qualifications provided by law for circuit judges and shall receive the same salary as a circuit judge. If the Commission is not required to review unemployment compensation appeals, the members' entire salary is to be paid from the Workmen's Compensation Administration Trust Fund.

In the Division of Labor and Employment Opportunities, House Bill 4046 (Chapter 72-398) created a rural manpower service program to encourage economic development in the areas of the state outside of the standard metropolitan statistical areas and provide training and increased employment

for the residents in such areas. A Bureau of Apprenticeship in the division and the establishment of apprentice standards and training were provided by House Bill 3656 (Chapter 72-113).

# Workmen's Compensation:

House Bill 3129 (Chapter 72-198) increased the maximum workmen's compensation payment from \$56.00 per week to \$66.00 per week and the minimum from \$12.00 per week to \$20.00 per week beginning July 1, 1972. House Bill 3266 (Chapter 72-243) brought officers elected at the polls within the term "employment" for the purposes of workmen's compensation coverage. The adoption of rules implementing the Occupational Safety and Health Act of 1970 (P.L. 91-596) was excepted from the public hearing requirement of Section 440.56, Florida Statutes.

### Unemployment Compensation:

The maximum weekly unemployment benefit was increased from \$54.00 to \$64.00 by the Committee Substitute for House Bill 3136 (Chapter 72-155). The act also provides that, prior to the computation of adjustment factors for employers contributions the taxable payrolls shall be reduced by 30% for 1973 payments, 20% for 1974 payments and 10% for 1975 payments.

Senate Bill 625 (Chapter 72-154) provides that benefits shall be paid promptly in accordance with the determination or redetermination regardless of any appeal or pending appeal, instead of not being payable until after the appeal period.

Committee Substitute for Senate Bill 684 (Chapter 72-190) excluded the Armed Forces as an employing unit the payment of retirement or pension from whom disqualifies for

unemployment benefits.

### Housing:

Committee Substitute for Senate Bill 771 (Chapter 72-172) requires the Governor to make a 12-year plan for the elimination of substandard housing by February 1, 1973, and to update it each November thereafter until 1986. The act provides for the creation of housing development corporations for purposes which include financing for new or rehabilitated houses for persons of low or moderate income, finding methods of providing subsidies for housing, assisting loans in the elimination of substandard housing and rehabilitation of existing housing, stimulating expansion in housing activity, cooperating with other groups in promoting housing developments and providing financing for housing construction. Twenty-five or more persons, a majority of whom are residents of the state, are required for incorporation; the articles must be subscribed by not less than nine natural persons and shall provide for a board of directors of twenty-one members that shall include as non-voting members a State Senator, a Representative, and the following or their designee: The Secretary of the Department of Community Affairs, the Comptroller, and the Treasurer. The articles cannot be approved by the Secretary of State until at least fifteen financial institutions have agreed in writing to become stockholders. The act requires each stockholder to make loans to the corporation upon terms prescribed by the Board of Directors and provides the procedure whereby additional financial institutions may apply for membership in the corporation, the terms and limits

of loans from stockholders, the corporation's powers in making, collecting and enforcing loans, amendments to articles of incorporation, deposit of funds, examination and auditing of corporation's accounts, and ultimate dissolution of the corporation. The corporation is granted any tax exemption, credit or privilege which financial institutions have under general state law.

### Discrimination:

Senate Bill 269 (Chapter 72-48) prohibited discrimination based on sex by public lodging and food service establishments and authorized the Human Relations Commission to consider complaints alleging discrimination on the grounds of sex. House Bill 316 (Chapter 72-78) prohibited cemeteries from discriminating on the basis of race or color.

# Building Codes:

House Bill 3611 (Chapter 72-292) updated the electrical codes adopted in Florida to conform to recent changes adopted by the National Fire Protection Association and Underwriters Laboratories.

### Financial Institutions:

Senate Bill 605 (Chapter 72-153) granted banking and other financial institutions chartered under Florida law the same immunity from state and local taxation that federally chartered institutions have under federal law.

The ownership and control of trust companies or investment advisory services in this state by banks, trust companies or holding companies operating principally outside

the state are regulated by Senate Bill 916 (Chapter 72-96).

Provisions for the organization and incorporation of savings and loan associations and thrift institutions were revised by Senate Bill 95 (Chapter 72-369).

# Securities:

Security dealers are authorized to sell federally registered securities subject to order of the Department of Banking & Finance by House Bill 4296 (Chapter 72-152); changes in dealer registration requirements include an applicant's filing a complete set of fingerprints, and increased bond for dealers in public issues.

House Bill 4295 (Chapter 72-151) amended the stock escrow provisions of Section 517.18, Florida Statutes, to include earnings and increases in the escrow stock and to provide methods of its release.

### CONSTITUTIONAL AMENDMENTS

Four amendments to the State Constitution and a statewide vote on state general obligation bonds were proposed by the 1972 session of the Legislature, all to be voted on in the general election held in November, 1972.

House Joint Resolution 2835 relates to the initiative method of proposing amendments to the Constitution. In place of the present authority for proposing amendments to a <u>section</u> of the Constitution, the proposed amendment (to Article XI, Section 3) would authorize proposals for the revision or amendment of any portion or portions of the Constitution. This wording is similar to the amendment language of the Constitution of 1885, as amended in 1948. However, an amendment proposed by initiative would be limited by a restriction similar to that which the Constitution applies to bills, namely, that any such revision or amendment must embrace but one subject and matter directly connected therewith.

House Joint Resolution 4324 proposes to qualify the present constitutional provision that a homestead is not subject to devise by will if an owner is survived by a spouse or minor children, to permit the homestead to be devised to the owner's spouse if there is no minor child.

Committee Substitute for House Joint Resolution 3576 proposes to amend Section 9, Article XII, of the State Consti-

tution to provide that outstanding bonds issued by counties (school districts) and pledging the first revenues derived from the motor vehicle license tax shall be paid, but that no additional bonds shall be issued under the present authority. It then proposes to amend Section 18, Article XII, of the Constitution of 1885, as amended, to increase the annual allotment for school districts from \$400 per instruction unit to \$600 per instruction unit existing in 1967-68, plus \$800 per instruction unit for 1972-73 and each year thereafter in excess of the number of instruction units in 1967-68. Junior college instruction units remain at \$400 each. The provision as to the state board is expanded to cover any instrumentality that may succeed by law to the powers, duties and functions of the state board. Use of funds was expanded to include maintaining, renovating, or repairing school capital outlay projects. Bond coverage limit is reduced from one and onethird times anticipated revenue to 1.12 times and maximum maturity date is extended to the year 2007 instead of the year 2000. The board is authorized to secure bonds issued under the revised provisions and refundings of them and of outstanding bonds by pledging the full faith and credit of the state without an election.

Committee Substitute for Senate Joint Resolution 292 proposed to delete the language of the 1968 Constitution prohibiting the issuance of revenue bonds pursuant to Article IX, Section 17, of the Constitution of 1885 as amended and instead adopts said section by reference as a

part of the new Constitution with authority for such bonds to be issued by the agency of the state so authorized by law. The section proposed to be so revived authorized the issuance of revenue bonds to acquire lands, water areas and related resources and to develop facilities in furtherance of outdoor recreation, natural resources conservation and related purposes. The bonds are to be paid from revenue or tax sources deposited according to law in the Land Acquisition Trust Fund which will exist for 50 years from the adoption of the amendment.

The November 1972 general election will also contain a referendum of the electors on the issuance of state bonds pledging the full faith and credit of the state, the first use of this procedure since its creation by the 1968 Revised Constitution. At issue is the issuance of up to \$200 million bonds for state capital projects for environmentally endangered lands and up to \$40 million for state capital projects for outdoor recreational lands, as proposed in Committee Substitute for House Bill 4228 (Chapter 72-300), the Land Conservation Act of 1972.

Summary of General Legislation, 1972 ... Florida Legislature

#### CONSUMER PROTECTION

A lump sum appropriation of \$64,450.00 for the purpose of consumer advisor was contained in the appropriation for the Governor's Office (Item 289A of the general appropriation act).

House Bill 1453 (Chapter 72-4) regulates the use of the term "free" and words of similar meaning and intent in advertising of goods and services. It repeals Section 817.415, Florida Statutes. Goods and services includes tangible and intangible things of value and rights therein. Advertising includes any communication of an offer of sale and attempts to induce the creation of obligations in exchange for an item. Violation is a deceptive trade practice. Injunctions may be sought by the Attorney General or the Commissioner of Agriculture and Consumer Services.

Referral selling, whereby the seller gives or offers to a buyer as an inducement for a sale a rebate or discount in consideration of the buyer's providing the seller with the names of prospective purchasers, was declared to be a lottery by House Bill 3277 (Chapter 72-110), if the rebate or discount is contingent upon the occurrence of an event after the buyer agrees to buy. Conducting a lottery by referral selling was made a misdemeanor in the first degree and injunctions by specified public officials to enjoin the practice were authorized.

With regard to condominiums and cooperative apartments, Committee Substitute for House Bill 543 (Chapter 72-201) authorizes a suit to rescind the contract or collect damages by a purchaser who pays anything of value in reasonable reliance upon a material false or misleading statement or information published by or under authority of the seller. A suit for damages after the closing of the transaction must be brought within one year of the latter of either the date of closing, the issuance of a certificate of occupancy, or the completion of common elements and recreational facilities, but the cause of action does not survive more than five years after the closing.

Three bills related to food or retail sales, or both. House Bill 3492 (Chapter 72-60) requires legible maximum shelf-life dating for milk and milk products. Committee Substitute for House Bill 690 (Chapter 72-73) created Section 500.121, Florida Statutes, to authorize an administrative fine to be imposed on retail food stores, and also against food manufacturers, processers or packers, for violation of any provision of Chapter 500, Florida Statutes, or lawful regulations, pertaining to foods, drugs and cosmetics, or for committing or being a party to any fraud or dishonest dealing. The Department of Agriculture and Consumer Services is required by Senate Bill 810 (Chapter 72-325) to administer and enforce the unit pricing of consumer commodities, whereby the price of such commodities is expressed in terms of an approved unit of quantity. The act is applicable to a seller who voluntarily establishes a system of unit pricing and to those commodities which he includes in such system.

Violation is a misdemeanor in the second degree and injunctive proceedings are authorized.

Consumer protection purposes were recognized in a number of other bills, including the following:

Senate Bill 244 (Chapter 72-43), under which a tenant shares in interest earned by his landlord on the tenant's security deposit. (See <u>Security Deposits</u> in CIVIL LAW, ACTIONS AND PROCEDURES.)

House Bill 316 (Chapter 72-78), pertaining to cemetery regulation, which prohibited cemeteries from discriminating on the basis of race or color and prohibited requiring additional purchases when granting free burial rights for veterans.

House Bill 2861 (Chapter 72-81), which regulates consumer bill collection agencies. (See BUSINESS REGULATION.)

House Bill 1662 (Chapter 72-22), House Bill 1041 (Chapter 72-28), and House Bill 1043 (Chapter 72-19) which pertain to the following aspects of mobile homes respectively: windstorm insurance coverage, eviction, security deposits. (House Bill 1662 is discussed under INSURANCE; the other two bills under <u>Mobile Home Parks</u> in CIVIL LAW, ACTIONS AND PROCEDURES.)

Summary of General Legislation, 1972 . . . Florida Legislature

#### COURTS

A project of major concern for 1972 was legislation necessary for the implementation of the new Article V of the Florida Constitution relating to the Judiciary and becoming effective January 1, 1973. Financially, the counties will be receiving anticipated benefits upon implementation. Not only will the State be paying the salaries of judges who were formerly performing their services in courts of record and juvenile courts, as contemplated by the new Article V, but the State will also be paying the salaries of all judges of the county courts, a financial burden not required of the State until 1977. At the same time the counties and the municipalities will be receiving the income from court fees and from fines and forfeitures, the source of funds heretofore used for salaries of judges of the minor courts. All implementing bills become effective on January 1, 1973.

## Circuit Courts:

House Bill 4469 (Chapter 72-404 ) establishes the jurisdiction of the Circuit Court as follows:

1. Appeals from county courts and municipal courts except those which may be taken directly to the Supreme Court.

2. Exclusive original jurisdiction in all actions at law not cognizable by the county courts; proceedings in probate, guardianship, involuntary hospitalization, incompetency; all cases in equity including those relating to juveniles except

traffic offenses; all felonies and those misdemeanors arising out of the same circumstances as a felony which is charged; cases involving legality of a tax assessment or toll; actions in ejectment; and actions involving titles, boundaries or right of possession of real property. The chief judge of a circuit may authorize a county court judge to order emergency hospitalizations.

Although the Supreme Court recommended a total of 259 circuit judges for the state, Committee Substitute for House Bill 4436 (Chapter 72-402 ) established 261 positions, giving an extra judge to the Fifth and Fifteenth Circuits. Circuit Judges' salaries are to be \$32,000 per year, effective January 1, 1973.

Senate Bill 314 (Chapter 72-49) provides for the chairman of the conference of circuit judges to be elected annually rather than biennially.

#### County Courts:

House Bill 4469 (Chapter 72-404 ) revised Chapter 34, Florida Statutes. In section 34.01 it establishes the jurisdiction of the county courts as follows:

1. Original jurisdiction in all misdemeanor cases not cognizable by the circuit court, all violations of municipal and county ordinances, and all actions at law not exceeding \$2,500 except those within the exclusive jurisdiction of the circuit courts, and

2. Jurisdiction previously exercised by the small claims

courts and other abolished minor courts.

The county court judges shall be committing magistrates and may be coroners.

Section 34.041 fixes filing fees for civil actions in the county court ranging from \$3.50 to \$15.00 depending upon the value of the claim. These fees include costs of service by certified mail. Service charges for appeals and for performing other duties are the same as those charged by the Clerk of the Circuit Court. Filing fees are to be remitted monthly to the county.

Under section 34.13 prosecution of criminal charges may be instituted by indictment, information, affidavit signed by the state attorney before the judge of the county court or in the case of misdemeanors by a complaint made on affidavit. Section 34.161 allows persons convicted of a crime in the county court and sentenced to pay a fine forty-eight hours to pay such fine before being transferred to persons working county prisoners.

Unless paid by the State, the counties are required to pay the salaries of bailiffs, secretaries and assistants of the circuit and county courts and all reasonable expenses of the office of circuit and county court judges.

Under section 34.181 the county court may be authorized to sit at convenient locations upon application of a municipality or county and approval of the chief judge of the circuit. Application may be made to the Supreme Court if the chief judge fails to give approval.

In other portions of House Bill 4469 the county judge's duty to issue hunting and fishing licenses is transferred to the county

tax collector, and county court judges in counties having a population of 40,000 or less are not required to be members of The Florida Bar.

The Supreme Court recommended a total of 156 county court judges. House Bill 1-F (Chapter 72-406 ) provided for 135, but authorized 13 more for 9 specified counties in the event the most populous municipality in each such county takes action prior to June 1, 1972, to abolish its municipal court effective January 1, 1973. The salary of county court judges, payable by the State, will be \$24,000 in counties having a population of 40,000 or less and \$28,000 in all other counties. In counties which were allotted only one judge, all judges abolished by the revision of Article V and not elevated to circuit judge shall serve as judge of the county court for the remainder of their elected terms. Such judges shall be paid by the county.

The Supreme Court is required to develop a uniform case reporting system, and any clerk who willfully fails to make reports shall be guilty of misfeasance.

The county courts will have concurrent jurisdiction with the circuit court to consider landlord and tenant cases involving claims in amounts within its jurisdictional limitations.

House Bill 4469 (Chapter 72-404 ) provides that fines and forfeitures received from violation of ordinances and misdemeanors are remitted to the counties and municipalities, but court costs (except those specified in sections 23.103 and 23.105) are paid to the county unless the chief judge or the Supreme Court orders that

a portion be remitted to a municipality to reimburse it for costs of operation of the county court incurred by it. House Bill 4250 (Chapter 72-70) contains the same provisions for distribution of court costs, and House Bill 4249 (Chapter 72-69) provides that fines and forfeitures received from the enforcement of traffic laws will be distributed monthly to the county unless the violation occurred within a municipality, in which case it will go to the municipality. In a chartered county having a court of countywide jurisdiction and trying traffic offenses committed within a municipality on February 1, 1972, two-thirds of the fines and forfeitures will be distributed to the municipality and the remainder to the counties.

House Bill 3733 (Chapter 72-150) provides that any judge of any existing separate juvenile court on February 1, 1972, who is not a member of The Florida Bar, shall be eligible to seek election as county court judge of his respective county.

House Bill 4469 (Chapter 72-404 ) repeals a number of statutes which will become obsolete and makes the changes enumerated below.

Juvenile Division: Chapter 39 was revised to bring in conformity with Article V. The counties are still required to provide adequate funds for operating juvenile court facilities and to pay the salaries and expenses of counselors and other employees.

Court Facilities: Section 43.27 requires the counties to provide courtrooms, facilities, equipment and personnel necessary to operate the circuit and county courts. Any municipality abolishing its municipal court before 1977 may be required to furnish courtroom

facilities for enforcing its ordinances if needed.

Judicial Nominating Commission: Section 43.28 contains the identical provisions of Article V, section 20, which provides that each judicial nominating commission be composed of 9 members serving staggered terms of four years.

Clerks: The clerks of courts abolished by Revised Article V, Constitution, and having countywide jurisdiction become deputy clerks of the circuit court for the remainder of their terms. Section 145.051 retains the present salary scale for clerks of the circuit courts. The county comptroller's salary is the same as that of the clerk in each county. Unless paid by the state, such salaries and compensation to the clerk for additional duties are expenses of the county.

State Attorneys: Section 27.02 requires the state attorney to prosecute or defend on behalf of the State all civil and criminal suits in both the county court and circuit court except as provided in Chapters 39 and 959, Florida Statutes.

Court Reporters: Under section 29.01 the chief judge, subject to the approval of the Supreme Court, determines the number of court reporters and deputies needed for the circuit court and county courts. Section 29.04 requires the counties to supplement the cost of reporting criminal proceedings.

Appropriations in excess of 5.7 million dollars are made by House Bill 4493 (Chapter 72-405) for the period, January 1 to July 1, 1973, to increase circuit judges' salaries to \$32,000 per annum and to implement the provisions of the revised Article V of the Florida Constitution to provide salaries and expenses for elevated

and certified circuit judges, salaries for 30 official court reporters, and salaries, expenses and support personnel for county court judges. Effective date, July 1, 1972.

# Municipal Courts:

House Bill No. 4423 (Chapter 72-403 ) implements Section 20(d)(4) of the revised Article V of the Florida Constitution relative to the schedule for abolition of municipal courts by providing a procedure whereby <u>any</u> municipal court may be abolished prior to January 1, 1977 by ordinance of the municipality's governing body. A municipal court to be abolished by a municipality prior to the next regular legislative session, certification to which was filed with the Supreme Court prior to April 1, 1972, will stand abolished as of January 2, 1973.

Otherwise, certification of intention to abolish its court must be made by a municipality to the chief circuit judge of the local circuit at least 90 days prior to adoption of the ordinance. Satisfactory provision for adequate courtroom space must be made by the municipality if the chief judge certifies such need to the municipality and to the Chief Justice of the Supreme Court within 60 days from the certificate of intention. The ordinance must be adopted at least 30 days prior to the then next regular legislative session and certified within 10 days after passage to the Chief Justice of the Supreme Court. Abolition is effective after adjournment sine die. Alternatively, the municipality may obtain the permission of the Chief Justice of the Supreme Court to abolish its court.

Statutes which are or will become obsolete are repealed by Senate Bill 712 (Chapter 72-321) relating to clerks of the circuit courts; Senate Bill 1279 (Chapter 72-358) relating to Justice of the Peace Courts and Constables; House Bill 4469 (Chapter 72-404) relating to all courts; and Senate Bill 207 (Chapter 72-310) to update the nonpartisan election law.

## Bills Not Related To Implementation of Article V:

State Attorneys. Senate Bill 818 (Chapter 72-326) provides that the maximum salary for full time assistant state attorneys shall be fixed by the state attorney not to exceed 90% of the salary of the state attorney for that judicial circuit. Salaries of part time assistants shall be in an amount in proportion to the salary allowed for full time assistants. The state attorney is authorized to employ personnel, in such number as he shall determine at a salary up to the maximum provided by law. Appropriations shall be determined by a funding formula based on population in a manner determined by the annual appropriations act. Additional funds are authorized for certain judicial circuits to retain the current level of funding; however, such additional funds shall be eliminated in five annual installments. County and municipal supplements are prohibited except for the purpose of prosecuting certain misdemeanors and municipal violations, but they may provide office, transportation and communication expense in an amount not less than the amount provided in fiscal year 1971-72. The salaries of the state attorneys range from \$28,000 to \$32,000 based on a population classification.

Public Defenders. Committee Substitute for House Bill 1983 (Chapter 72-41 ) allows public defenders to contract with collection agencies, to collect for services rendered by the public defender, but the agency fee shall not exceed 50% of the amount recovered, and payment is prohibited for recovery from the sale or foreclosure of real property.

Senate Bill 819 (Chapter 72-327 ) provides that public defenders elected on or after November 1, 1972 shall serve on a full-time basis and are prohibited from engaging in private practice while in office. Those in certain judicial circuits who handle appeals from other judicial circuits shall receive additional funds for such services. Public defenders are authorized to employ necessary personnel. County and municipal supplements are restricted to defending misdemeanors and providing office, utility and telephone expenses. The salaries of public defenders are fixed at \$25,000 to \$29,000, and assistant public defenders may receive up to ninety percent of the salary of the public defender.

Court Reporters. Senate Bill 1202 (Chapter 72-351 ) amends section 29.04(1) to increase court reporters' salaries to \$5,400 per annum.

Clerks. House Bill 3045 (Chapter 72-238 ) allows the clerks of the "courts of the several counties" to establish the hours the offices will be open to the public. Committee Substitute for Senate Bill 710 (Chapter 72-320 ) provides that circuit court clerks may keep minutes of court proceedings, but such minutes shall not include orders and judgments. Orders of dismissal and final judgments in civil actions shall be recorded in the "Official Record Books."

Other orders shall be recorded only on written direction of the court. Certified copies of judgments, which become liens on certain real property, shall be recorded only when presented for recording with the statutory service charge.

County Judge's Fees. Committee Substitute for House Bill 4019 (Chapter 72-397 ) amends §36.17 to establish uniform filing fees for cases relating to estates. Where not specified, such fees are the same as those charged by the circuit court clerk for similar services. Recording is required for all petitions opening and closing an estate, and regarding real estate, and all order, letters, bonds, oaths, wills, proofs of wills, returns and such other documents as the judge directs or which are required to be recorded under probate law. Effective date, October 1, 1972.

Jurors. Senate Bill 45 (Chapter 72-308 ) increases per diem of jurors from \$5 to \$10 per day and increases the mileage allowance for jurors from 5¢ to 10¢ per mile. The mileage allowance is to be paid for a round trip each day a juror is summoned for jury duty. Act provides for jury pools from which certain courts may draw persons to serve as grand or petit jurors. House Bill 2702 (Chapter 72-68) provides that no elected public official shall be eligible for service on a grand jury.

Juveniles. Senate Bill 1092 (Chapter 72-179) creates a new category of offenses called "juvenile traffic offenses." Any violation by a child of federal or state laws or local ordinances governing the operation or use of a motor vehicle is a "juvenile traffic offense." A court having jurisdiction may reprimand or counsel the child with his parents or guardian, suspend the child's

driving privileges, require the child's attendance at a traffic school, impose a forfeiture of money by the child to the general fund of the local governmental body, or transfer the case to the juvenile court. Juvenile offenders under this act may not be placed in police vehicles or detention facilities with adult offenders except where the adult and children acted as cohorts.

Juvenile traffic offenders are removed from the definition of delinquent child. The juvenile court is given jurisdiction in cases of juvenile traffic offenses only when the court having jurisdiction waives it and certifies the case to the juvenile court. If this procedure is followed, the juvenile court may proceed as with a delinquent child and also may, after petition and hearing, revoke the child's driver's license if the child is found to have committed a juvenile traffic offense and also may revoke the license without adjudicating the child a delinquent child. Use of records in the juvenile court are restricted, and some records may be destroyed after ten years.

Juvenile courts are no longer required to keep "statistical cards" and certain other social records on each case. Employees of the Department of Health and Rehabilitative Services are authorized to receive certain privileged information.

Senate Bill 1092 (Chapter 72-179) also amends chapter 959 to provide that when a person under eighteen years of age is sentenced to the Division of Corrections, the Secretary of the Department of Health and Rehabilitative Services may transfer such person to the Division of Youth Services for the remainder of his sentence, or until his twenty-first birthday, whichever results in the shorter

term. If the term extends past the twenty-first birthday, he shall be transferred to the Department of Corrections or to the Parole and Probation Commission, with the Commission's consent. However, any person who has been convicted of a capital felony while under the age of eighteen shall not be furloughed on juvenile parole without the consent of the Governor and three members of the Cabinet.

Courts (except juvenile courts) having jurisdiction may, as an alternative to other dispostions, commit a minor to the Department of Health and Rehabilitative Services for work or treatment in an outside program or for probation in cases where the minor committed the offense charged prior to his twenty-first birthday. Courts utilizing this section would withhold an adjudication of guilt and find the minor to be a delinguent child. The bill provides for blanket probation to the Department or a commitment to the Department for an indeterminate time. Under this alternative disposition, all actions would be effective until the child is twenty-one or sooner discharged by the court. If a minor proves not to be amenable to treatment, upon application by the Department, the court may commit the minor to the Department or revoke the adjudication of delinquency, enter the withheld adjudication of guilt and may impose any sentences which it may lawfully impose, but give credit for all good time served under the control of the Department. Effective July 1, 1972.

Medical Examiners. House Bill 3407 (Chapter 72-392) requires the Medical Examiner's Commission, created by Chapter 406, Florida Statutes, to report annually to the Governor and

the Legislature, with a copy of the report to each county, and to initiate cooperative policies with any agency of the state or its political subdivision. In establishing medical examiner districts the commission is required to consider judicial circuit lines, geographical size, and personnel availability. The provision for cooperation by the districts is reworded. The commission instead of the county commission is authorized to submit to the Governor nominations for district medical examiners. The Governor rather than the county commission is authorized to remove medical examiners for cause. Summary of General Legislation, 1972 ... Florida Legislature

#### CRIMINAL JUSTICE AND LAW ENFORCEMENT

### Crimes:

In 1972 the Legislature continued its efforts toward criminal code revision by repealing unnecessary provisions prohibiting crimes covered elsewhere in the statutes and by redefining and penalizing criminal activity in the areas of abortion, gun control, larceny, fraud, forgery, jury tampering, perjury and loitering or prowling.

House Bill 3776 (Chapter 72-253) repealed various sections of Chapter 782, Florida Statutes, which forbade homicide by interfering with railway trains and aircraft, homicide by mischievous animals, drowning in overloaded vessels, death from racing steamboats, homicide by intoxicated physicians and concealing death of a bastard child. Various criminal offenses deemed obsolete or repetitious were repealed by House Bill 3777 (Chapter 72-254). These included provisions relating to dueling, mayhem, marathons, enticing away unmarried women, embezzlement, conspiracy and offenses concerning seamen.

House Bill 3774 (Chapter 72-252) repealed various sections of Chapter 811, Florida Statutes, relating to the larceny of specific property, which are covered in the general larceny provisions of Section 811.021, Florida Statutes. These provisions were amended to include all real or personal property and to provide stiffer penalties for subsequent convictions.

With existing abortion statutes having been held invalid, the 1972 Legislature late in the session enacted Committee

Substitute for Senate Bill 284 (Chapter 72-196), prescribing the medical conditions and the reporting procedure for performing lawful terminations of pregnancy. Penalties for performing or participating in the termination of a pregnancy in violation of the act are further prescribed.

Senate Bill 1267 (Chapter 72-357) made it a misdemeanor of the second degree to assemble, for purposes other than repair, any handgun from foreign made or imported parts. Senate Bill 789 (Chapter 72-127) created Section 817.645, Florida Statutes, to make it a misdemeanor of the first degree to fraudulently alter a credit card invoice after it has been signed by the cardholder. Committee Substitute for House Bill 1611 (Chapter 72-234) amended Section 831.30, Florida Statutes, to prohibit the falsification or forgery of a prescription to obtain a medicinal drug other than a drug controlled by the Uniform Narcotic Drug Law or the Florida Drug Abuse Law. A first conviction was made a misdemeanor of the second degree, and a second or subsequent conviction was made a misdemeanor of the first degree.

Senate Bill 467 (Chapter 72-315) made tampering with jurors, witnesses, or with physical evidence relating to any criminal proceeding felonies of the third degree. Witness tampering without the use of force, deception, threat or bribe was made a misdemeanor of the first degree. The witness who solicits, accepts or agrees to accept a bribe is guilty of a felony of the third degree. Senate Bill 462 (Chapter 72-314) created Section 837.021, Florida Statutes, to make perjury by contradictory statements under oath a felony of the third degree.

Senate Bill 463 (Chapter 72-133) repealed Sections

856.02 and 856.03, Florida Statutes, relating to vagrancy and the arrest of vagrants, and created Sections 856.021 and 856.031, Florida Statutes, to make loitering or prowling under such circumstances as flight, concealment or refusal to be identified or other circumstance giving rise to alarm or immediate concern for the safety of persons or property, a misdemeanor of the second degree. The act requires a law enforcement officer to permit the suspect to explain his presence and conduct as circumstances allow prior to any arrest, and authorizes arrest without warrant in cases where delay in procuring a warrant would enable the suspected loiterer or prowler to escape arrest. Drugs:

The 1972 Legislature clarified its intent to include cannabis (marijuana) within the scope of the Florida Drug Abuse Law (Chapter 404, Florida Statutes) by enacting Senate Bill 1144 (Chapter 72-97) which defines "cannabis" as a "hallucinogenic drug" and prohibits the delivery of such drugs. The act was effective March 28, 1972. Senate Bill 1300 (Chapter 72-227) created Sections 398.035 and 404.035, Florida Statutes, to make an unauthorized importation into Florida of narcotic drugs a felony of the first degree, and of barbiturates, certain stimulants and other drugs controlled by the Florida Drug Abuse Law a felony of the second degree. This bill corrected technical defects in Senate Bill 6, which was vetoed. Penalties and Procedure:

Two bills relating to the death penalty were adopted. Senate Bill 465 (Chapter 72-72) provided that the determination of guilt or innocence for every person charged with an offense punishable by death shall be at a proceeding separate from the determination of the penalty. In the latter proceeding evidence

with respect to aggravating or mitigating circumstances may be presented, examples of which are set forth in the act. Senate Bill 153 (Chapter 72-118) provided that in the event the death penalty is held to be unconstitutional, a person convicted of a capital felony shall be punished by life imprisonment. Persons previously convicted would have their sentences changed to life imprisonment with no eligibility for parole.

House Bill 3304 (Chapter 72-245) reduced the penalties for attempts to commit and conspiracy to commit a misdemeanor. In each case such an offense was made a misdemeanor of the second degree, except that conspiracy to falsely or maliciously indict, cause to be charged or arrested, or bring suit against another, as well as conspiracy to commit acts injurious to the public health or morals and obstruction of justice, continued to be misdemeanors of the first degree. House Bill 3303 (Chapter 72-244) reduced the penalty for a person's failure to appear in court after being released by a sheriff or deputy on his own recognizance for a traffic offense, from a misdemeanor in the first degree to one in the second degree.

Under House Bill 994 (Chapter 72-45) a defendant arrested or held in a county other than that in which an indictment or information is pending or a warrant issued against him may, if he wishes to plead guilty or nolo contendere, have his case disposed of in such county. The prosecuting attorney of the county in which the indictment or information is pending must consent to the procedure.

House Bill 2339 (Chapter 72-235) provides that in any prosecution for an offense against the state, or any political subdivision thereof, the court may apply any money deposited by the defendant to satisfy a judgment for fines and costs against him.

### Parole and Probation:

House Bill 4269 (Chapter 72-232) makes a felony parolee or probationer who is arrested for a felony subsequent to parole or probation prima facie in violation of his parole or probation, which is immediately temporarily revoked. The person must be granted a hearing before the parole and probation commission or the court within a period of ten days from the time of arrest, and he is not eligible for bail prior to the hearing.

House Bill 3918 (Chapter 72-256) authorized the Florida Parole and Probation Commission to enter into agreements with the federal government, any municipality or county in the state, or any nonprofit charitable corporation or foundation concerned with the rehabilitation of probationers, parolees or persons under pre-sentence investigation, for the performance of costreimbursed services by the Commission relating to the evaluation and rehabilitation of such persons.

### Law Enforcement Officers:

Senate Bill 24 (Chapter 72-84) allows all full-time police officers, Florida highway patrolmen, agents of the Florida Department of Law Enforcement, and sheriffs' deputies to carry concealed firearms during off-duty hours at the discretion of their superior officers provided the superior officer authorizing said action files a statement of instructions and requirements relating to the carrying of said firearms with the governing body of the law enforcement agency involved. Only those police officers whose bond covers actions while off duty are authorized under this act.

Senate Bill 34 (Chapter 72-85) made it illegal for any person maliciously, with intent to obstruct due execution of

law or to intimidate or hinder any law enforcement officer, to publish or disseminate the residence address or telephone number of any law enforcement officer, while designating the officer as such without authorization of the agency which employs the officer. Violation of the section is punishable as a misdemeanor of the first degree.

Committee Substitute for House Bill 2817 (Chapter 72-142) authorized the Department of Highway Safety and Motor Vehicles to present each member of the patrol who retires under the provisions of Chapter 121 or 321, Florida Statutes, one complete highway patrol uniform including badge and service revolver worn by the member prior to retirement. This act also authorized the Department to issue to the widow or beneficiary of a deceased member of the patrol, upon request, one highway patrol uniform not including a service revolver.

Senate Bill 635 (Chapter 72-93) authorized an off-duty police officer, with the written approval of the appropriate department head, to serve as a security officer at certain establishments which has more than half of their gross income derived from a source other than the sale of alcoholic beverages.

Senate Bill 40 (Chapter 72-307) authorized a sheriff to appoint special deputy sheriffs, with full powers of arrest, whenever the sheriff deems such appointment reasonable and necessary, providing that the appointees meet the minimum requirements as set forth by the Police Standards Council.

House Bill 3775 (Chapter 72-294) amends Section 934.02, Florida Statutes, to include officers of the United States within the definition of investigative or law enforcement officer. The bill also amends Section 934.08, Florida Statutes, to include courts of the United States among the courts in

which may be given evidence intercepted pursuant to Chapter 934, Florida Statutes, relating to security of communications.

Senate Bill 724 (Chapter 72-322) designates the month of May each year as law enforcement appreciation month. Communications:

Authority was given to the Division of Communications of the Department of General Services to develop a statewide system of regional law enforcement communications. Under the provisions of House Bill 3937 (Chapter 72-296) all law enforcement agencies in the state must provide the Division with such information as it may request to implement the system. The Division is to divide the state into regions and develop a program for each that will take into account communications requirements, present number of operating units, frequency allocations, and dispatching and other operating procedures that will result in an integrated system of communications among the law enforcement agencies in the region. The Division received an appropriation of \$250,000 to carry out its authority under the act.

Summary of General Legislation, 1972 ... Florida Legislature

### EDUCATION

K-12 Finance:

The State Board of Education is authorized by Senate Bill 1207 (Chapter 72-194) to issue bonds in the amount of \$65,000,000 in 1972-73.

Senate Bill 1154 (Chapter 72-409), the general appropriations act, included \$737,684,413 for K-12 (of which \$669,608,597 is for K-12 MFP), which is an increase of approximately \$62 million over last year.

House Bill 3699 (Chapter 72-293) provides for a maximum aggregate local effort for the Minimum Foundation Program in 1972-73 of \$272,130,483. If the total required effort as calculated according to statute exceeds that amount, district efforts will be reduced proportionately. Senate Bill 914 (Chapter 72-333) prescribes the calculation of the required district effort beginning 1973-74, as well as other calculations of the Minimum Foundation Program. Recalculation funds are limited to programs in which the basic allocation is based on prior year's attendance. Pro rata distribution of state funds is provided for any year in which appropriations fall below the state's portion of the MFP calculated cost. Certification fees are increased.

Senate Bill 912 (Chapter 72-329) provides supplemental capital outlay funds for school districts and specifies both the allocation formula for distribution and the purposes for which the funds may be used.

Committee Substitute for House Joint Resolution 3576 provides that part of the revenue derived from motor vehicle licenses will be used for capital outlay and debt service school purposes, if a proposed constitutional amendment is approved by voters in the November general election.

# K-12 Personnel:

Committee Substitute for House Bill 2976 (Chapter 72-283) provides that instruction units (teachers) allocated on the basis of a.d.a. in K-3 classes must be used in those grades, rather than in some other grade. District superintendents are required to supply information to the Commissioner of Education so he may determine compliance.

Senate Bill 239 (Chapter 72-262) provides for the employment of certified elementary school counselors, and sets the ratio to be followed in allocating such units to the districts. \$2,800,000 was appropriated to carry out this program.

House Bill 1288 (Chapter 72-21) provides that service as a school board member will be construed as continuous teaching service for a teacher on continuing contract.

Senate Bill 300 (Chapter 72-212) permits the Department of Education to waive educational requirements for applicants who were certified in and actively teaching speech pathology and audiology on July 9, 1969, and provides that previously laryngectomized persons may teach such subject under certain conditions.

Senate Bill 365 (Chapter 72-371) provides certain specified pensions to elderly incapacitated teachers who meet certain qualifications. Senate Bill 476 (Chapter 72-215) increases from 200 to 500 the number of hours that a

retired teacher may be employed part-time without adversely affecting his benefits, and permits retired teachers to be employed by school boards. Senate Bill 1069 (Chapter 72-343) provides for increased benefits for dependent children if there is no surviving spouse. Other employment and retirement measures are covered in the article on <u>Public Employment and Retirement</u>. K-12 General:

A preapprenticeship education program was established in the public school system for students sixteen years of age or older, by House Bill 3656 (Chapter 72-113). The Division of Vocational Education will administer the program and assist school boards and community college boards of trustees in developing it. Graduates of this program will have priority in admission to apprenticeship programs and in jobs, over persons not completing such a program.

House Bill 946 (Chapter 72-381) attacks the growing drug problem in the schools by providing for the suspension (following administrative hearing and notice to parents) of any pupil charged with the felony of possession or sale of drugs, and the expulsion of any pupil convicted of those charges. However, in an effort to find the sources of such drugs, these punishments may be waived if the pupil divulges information leading to the arrest and conviction of the supplier, or if he voluntarily discloses his possession of drugs prior to his arrest. Any such information cannot be used as evidence to prosecute the informant in a subsequent criminal trial.

Committee Substitute for House Bill 2983 (Chapter 72-284) authorizes the State Department of Education to develop a detailed plan for extending the school year from the present

180 days to 200 days, which would be an additional four weeks of instruction. This new school year would be divided into four quarters of fifty days each, and would allow a condensation of the thirteen school years (K-12) into twelve years without a loss in instructional time. Another advantage would be the easy transition for the pupil into junior college or a university. A pilot program using this extended school year should be in practice by 1973-74 in selected districts, and should be phased in for the entire school system by 1977-78.

House Bill 3825 (Chapter 72-255) authorizes the Department of Education to provide equipment, funds, and other services to extend and update existing and proposed educational television and radio systems, whether tax supported or nonprofit corporation-owned facilities.

Senate Bill 692 (Chapter 72-319) authorizes the Division of Elementary and Secondary Education to establish an instructional materials coordinating unit and resource center for visually handicapped children and youth, and appropriates \$112,000 for implementation.

Senate Bill 536 (Chapter 72-316) requires school districts to establish and maintain food and nutrition services to meet the needs of all children attending public schools, with the state providing the per meal difference when the cost of meals for needy children exceeds the total received from federal sources plus receipts from sale of reduced-price meals.

Committee Substitute for House Bill 2987 (Chapter 72-285)

creates the Office of Early Childhood Development in the Office of the Governor to promote, plan, coordinate and administer a program of early childhood training to meet educational, social, health, and psychological needs. At the present time these needs are handled by many separate agencies, resulting in overlapping, duplication, and less efficient use of funds. \$43,127 was appropriated to the E.C.D. Office to carry out the purposes of this act, and positions and funds may be transferred to the E.C.D. Office from *Č*ertain other agencies.

House Resolution 2789 establishes a committee to study the feasibility of coordinating and integrating public school bus systems and public mass transit systems in order to transport pupils more economically.

House Bill 2759 (Chapter 72-362) provides for medical exemptions from busing for pupils whose health might, in the opinion of a licensed physician, be affected by such busing. In such cases, the school board will have the authority to assign those pupils to the school nearest home.

Senate Bill 253 (Chapter 72-10) made trespassing on the grounds of public schools a misdemeanor of the second degree, effective September 1, 1972.

A straw ballot was provided for in Committee Substitute for Senate Bill 421 (Chapter 72-3), which submitted to the electorate three questions pertaining to public schools: two relating to school attendance and one to school prayers. All of these questions were favored by Florida voters at the Presidential Primary on March 14.

Senate Bill 960 (Chapter 72-221) removes obsolete and redundant provisions of the Florida School Code and clarifies inconsistencies in the statutory language. This bill also provides greater operating flexibility to local public school districts and junior college districts, and simplifies distribution formulas for allocation of funds.

House Bill 92 (Chapter 72-51) requires that all meetings of state textbook councils must be publicly announced, including agenda, and must be open to the public; further provides that councils must file with Commissioner written statements of textbook evaluation criteria and procedure, which must be made available to the public on request. All votes and findings shall be made public, and decisions shall be made by roll-call vote.

Committee Substitute for House Bill 2986 (Chapter 72-161) abolishes the Teacher Education Advisory Council and creates the Florida Council on Teacher Education, with twenty-three members appointed by the State Board of Education. Members will serve three-year overlapping terms, and will be reimbursed for expenses. The Council's duties will include making recommendations for desirable competence standards, methods of evaluation, and improvement of teaching competence.

### HIGHER EDUCATION

### Finance:

The 1972 appropriations bill provided \$110,401,507 for community college MFP, and \$195,964,152 for the Division of Universities. These figures reflect an increase of

\$17.1 million for community colleges and \$33.8 million for universities over the current year.

Senate Bill 910 (Chapter 72-193) makes appropriations supplementing the 1971 general appropriations act, providing an additional \$2,314,296 for the community college MFP and \$192,806 for the community colleges county school sales tax fund.

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House Bill 4232 (Chapter 72-301) authorizes certain expenditures for capital outlay projects at junior colleges, area vocational-technical centers, and universities. \$16,784,400 is allocated for 28 junior colleges; \$5,964,000 to 21 districts for area vocational-technical centers; \$19,851,600 to the Board of Regents for the state universities; and \$34,676 is reappropriated for previously approved projects at the University of Florida.

Senate Concurrent Resolution 1230 approves the 1972-73 fees for registration and tuition in the state university system, which have not been changed from the current amounts.

A student loan trust fund is created by Senate Bill 551 (Chapter 72-169), to be financed by the issuance of revenue bonds in an amount to be determined by the Division of Bond Finance of the Department of General Services, but not to exceed \$40,000,000. Loans from the fund will be made to approved students who are admitted to attend public or private institutions of higher learning, including professional nursing diploma schools and vocational training centers.

A state student assistance grant trust fund is created by House Bill 3421 (Chapter 72-199), to be administered by the Department of Education. Qualifications of applicants are set and \$360,000 is appropriated to the trust fund. General:

Senate Bill 1079 (Chapter 72-346) gives children of prisoners of war or persons missing in action the same educational benefits as children of disabled or deceased veterans, and extends such benefits to include attendance at vocationaltechnical schools. The parents of such children must have been Florida residents for the five years preceding application for such benefits.

Senate Bill 1209 (Chapter 72-354) requires a feasibility study of instructional television courses for credit toward graduation at state-supported junior colleges and universities. <u>Community Colleges</u>:

House Bill 1617 (Chapter 72-102) authorizes junior and community college boards of trustees to control and dispose of real property, and House Bill 919 (Chapter 72-99) provides that junior colleges with a department designated as an area vocational school must employ a full-time director of vocational education.

Community college personnel are removed from statutory regulations concerning K-12 personnel, and are placed under the regulations of the State Board of Education by Senate Bill 1147 (Chapter 72-348). This bill also includes a new funding formula for community colleges based on 1972-73 funding program cost. Senate Bill 1203 (Chapter 72-352) placed community college funding on a current year attendance basis and included an annual 5% cost of living increase for salary cost.

House Bill 3744 (Chapter 72-209) re-allocates certain funds appropriated for the Seminole County school board to the Seminole County Community College, to be used solely for approved capital outlay projects at the area vocationaltechnical center, which has been transferred to this college.

### Universities:

Committee Substitute for Senate Bill 455 (Chapter 72-313) requires the Division of Universities to examine, for the purpose of revision, its requirements for the granting of baccalaureate degrees, so that such degrees may be earned in nine quarters of successful academic performance. Suggested methods of accomplishing this goal are given, such as giving students credit for college level work done in high school, and giving college credit based on certain examinations for material learned in non-traditional ways.

House Bill 2802 (Chapter 72-382) authorizes the Board of Regents to conduct a study to determine whether a new law school is needed in Florida, and provides that if such a school is needed, it shall be established at Boca Raton as a component of Florida Atlantic University.

House Bill 3197 (Chapter 72-364) expands the list of fees and charges that the Board of Regents is authorized to fix and collect by law, such as parking fees, traffic violation charges, recreational fees, etc. These charges have been collected by the Board for several years, but the Auditor General pointed out the need for specific statutory authority.

Committee Substitute for Senate Bill 277 (Chapter 72-263)

gives university police officers the right to arrest violators of state laws or county or city ordinances when violation occurs on property controlled by the state university system, and authorizes arrests to be made off campus when hot pursuit originates on campus. Such officers may also bear arms, execute search warrants, serve legal process, and make arrests on warrants. They must meet minimum standards set by Florida Police Standards Council.

House Bill 481 (Chapter 72-98) requires the University of Florida to provide personnel and materials for county extension programs. Agents will be deemed University of Florida staff members and will be guided by policies of the Board of Regents and the University, where not superseded by Federal laws.

An auxiliary trust fund for the University of North Florida is authorized by Senate Bill 571 (Chapter 72-134). The Board of Regents will establish the fund with \$160,000 from the general revenue fund. Budgets must be filed with and approved by the Department of Administration, and repayment will come out of operating income from the university auxiliary services.

The membership of the Community Hospital Education Council is increased from five to seven by Senate Bill 974 (Chapter 72-137), which also provides that applications from medical institutions for educational program grants-in-aid will be made to the Council, rather than to the Division of Universities, and provides matching state funds for such programs.

Senate Bill 279 (Chapter 72-56) increased the number of Florida students to be enrolled in the University of Miami Medical School from 95 per class to 470 total, subject to annual appropriations, and increased the yearly payment by the State for each such student from \$5,500 to \$6,500.

House Bill 480 (Chapter 72-40) lowers the retention requirement for dead bodies or remains from 90 days to 48 hours before allowing use for medical science by universities. Restrictions on using such bodies within the state are removed, and bodies may be transmitted outside the state to recognized medical or dental schools or for educational, scientific or other therapeutic purposes. Violation of out-of-state regulations is a misdemeanor of the first degree.

Senate Memorial 1145 requests Congress to provide funds and other necessary support for the establishment in Florida of a four-year United States Academy of Criminal Justice, to grant bachelor's degrees and to be patterned after the various U. S. military academies.

Committee Substitute for House Bill 3117 (Chapter 72-203) redefines "nonpublic colleges" by deleting the requirement that such colleges' credits or degrees must be accepted by at least three accredited institutions of higher learning, and provides that funds received for such colleges shall be deposited in, and appropriations made from, the general revenue fund.

## ELECTIONS, DISTRICTING AND APPORTIONMENT

Committee Substitute for Senate Bill 421 (Chapter 72-3) provided for the "straw ballot" in conjunction with the Presidential Primary on March 14, 1972, and submitted to the electorate three questions pertaining to public schools: two related to school attendance and one to school prayers. For issues to be voted on in the 1972 General Election, see <u>CONSTITUTIONAL</u> <u>AMENDMENTS</u>.

Senate Bill 938 (Chapter 72-197) reduces the minimum age for registering to vote to eighteen, and the residency period in the state and county to sixty days. House Bill 3206 (Chapter 72-63) revised the provisions relating to absentee registration and voting. Absentee registration was extended to dependents of members of the armed forces in active service, members of the merchant marine and their spouses and dependents, and citizens and residents of the state who are temporarily outside of the United States (all of whom may register by the federal postcard application) and to citizens and residents temporarily outside of the state and to disabled residents (who use the application for absentee registration). The act also requires all persons registering to vote to execute a written statement under oath that they have never previously registered, or stating the place of last prior registration and the name under which registered. The act conformed provisions as to absentee ballot and clarified provisions as to office hours for supervisors of registration.

House Bill 2899 (Chapter 72-106) limited rates for political advertising or broadcasting to those charged for commercial advertising or broadcasts.

House Bill 4319 (Chapter 72-303) required the Division of Purchasing of the Department of General Services to adopt uniform rules for the purchase, use and sale of voting machines and voting machine equipment. The Division must establish bidding procedures, to be followed by each county and other units authorized by law or ordinance to purchase or sell voting equipment. All purchases are required to be by sealed competitive bid from at least two bidders,

unless an emergency is found to exist or only a single source of suitable equipment exists. All purchases and sales of voting equipment must have the prior approval of the Division, unless the Division fails to act on a request for an approval within thirty days.

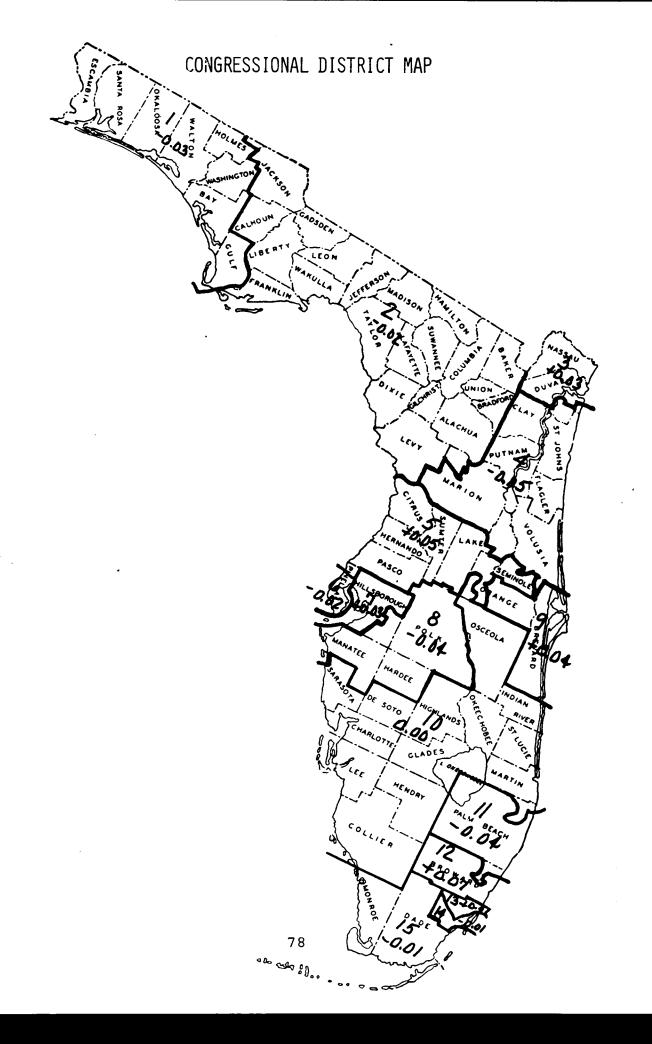
House Bill 3271 (Chapter 72-25) eliminated the "odd-year" restriction on changing of precincts and allows the alteration of precincts whenever it is deemed necessary by at least four members of the Board of County Commissioners and is recommended by the Supervisor of Elections.

The legislative apportionment provided by legislative joint resolution or Supreme Court order is to be officially included in Florida Statutes under the provisions of House Bill 3251 (Chapter 72-242).

In compliance with Title 2, Section 2c, U. S. Code, the state was divided into 15 single member congressional districts by Senate Bill 1291 (Chapter 72-390). Detailed statistics of the districts are shown below and a map follows.

D

	OPTINUN	ACTUAL		PERCENT
ISTRICT	POPULATION	POPULATION	VARIANCE	VARIANCE
1	452,729	452,562	-167	03
2	452,729	452,633	-96	02
3	452,729	452,868	139	.03
4	452,729	452,491	-238	05
5	452,729	452,965	236	.05
6	452,729	452,615	-114	02
7	452,729	452,870	141	.03
8	452,729	452,530	-199	04
ġ	452,729	452,923	194	• 0 4
10	452,729	452,718	-11	.00
11	452,729	452,540	-189	04
12	452,729	453,054	325	.07
13	452,729	452,814	35	.01
14	452,729	452,664	-65	01
15	452,729	452,682	-47	01
STAT	E MEAN			28
	ST DISTRICT	( 12) •••	. 453,0	54
	LEST DISTRIC		452,4	91
		CN VARIANCE		12 TO 1.
	MUM DEVIATIC			07
		N BELCW	•••	05
		····		12



Following the procedure provided in Article III, Section 16, Constitution of 1968, the Legislature was provided 40 senatorial districts and 120 house districts by Senate Joint Resolution 1305. The House and Senate statistics are summarized on the next page. Detailed statistics and district map are shown for each house.

Pursuant to the automatic review provisions of the Constitution, the apportionment was promptly reported to the Florida Supreme Court by the Attorney General. The validity of the apportionment on its face was upheld by the Court in its opinion filed May 12, 1972.

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### SENATE STATISTICS

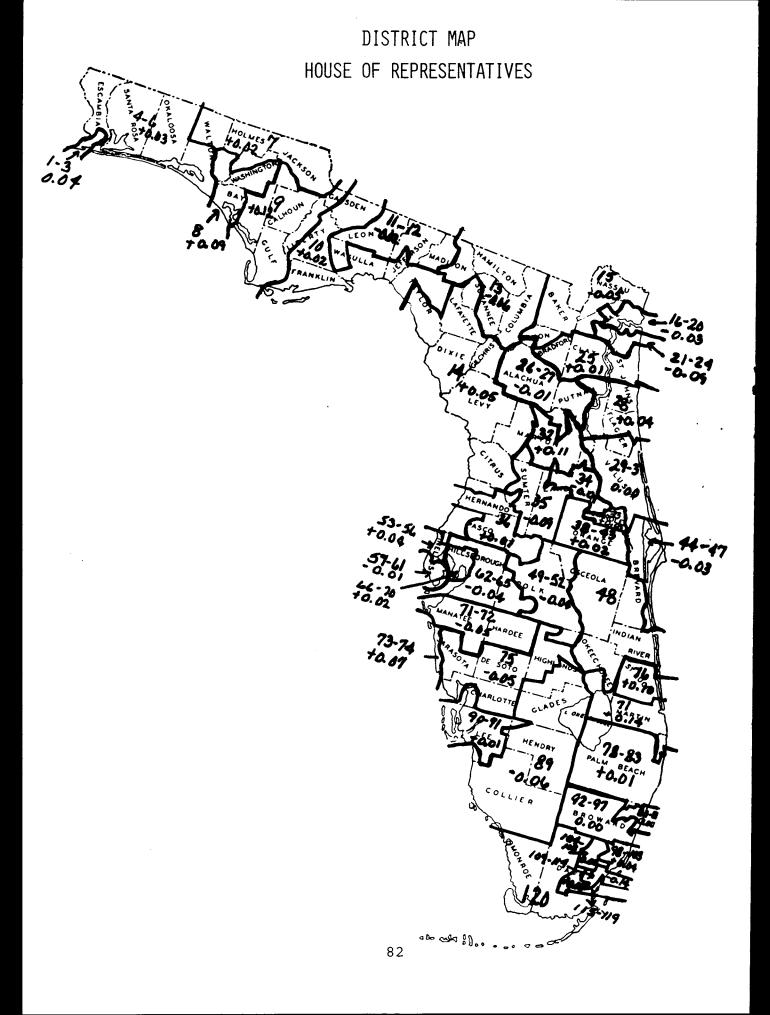
	SU	MMARY	OF CISTRICT				DEDGENT
				OPTIHUM	ACTUAL		PERCENT
DIST	IRI	CT(S)	MEMEER (S)	POPULATION	POPULATION	VARIANCE	VARIANCE
1	-	2	2	339,546	340,182	636	.18
		4	2	339,546	340,323	777	.22
5	-	6	2	339,546	340,304	758	.22
7	-	9	3	509,320	511,538	2,218	.43
•		10	4	169,773	170,695	922	.54
		11	1	169,773	170,837	1,064	•62
12	_	13	2	339,546	339,788	242	. 37
14		15	2	339,546	341,343	1,797	.52
16		17		339,546	340,738	1,192	• 35
18		20	2 3	509,320	507,531	-1,789	35
		23	3	509,320	510,756	1,436	.28
21	-	23	J 1	169,773	169,473	-300	17
		25	1	169,773	169,689	-84	04
26	_	28	3	509,320	506,935	-2,385	46
			3 7	509,320	507,854	-1,466	28
29	-	31	3	•		-899	52
		32	1	169,773	168,874		
- 33	-	74	2	339,546	339,132	-414	12
35	-	37	3	509,720	507,202	-2,118	41
38		40	2	509,320	507,735	<del>-</del> 1,585	31

Summary of Statistics - SJR 1305    House  Senate    Normal District  56,591  169,773    Largest District  56,534  168,874    Pop. Variance  1.003 to 1  1.01 to 1    Max. Dev. Above  .20  .62    Max. Dev. Below 10 52    Total Deviation  .30  1.14		SECURE SINGLOOD	ENATE DISTRIC	A A A A A A A A A A A A A A A A A A A
Normal District 56,591 169,773 Largest District 56,705 170,837 Smallest District 56,534 168,874 Pop. Variance 1.003 to 1 1.01 to 1 Max. Dev. Above .20 .62 Max. Dev. Below1052 Total Deviation .30 1.14	Summary of	Statistics -	SJR 1305	
Largest District 56,705 170,837 Smallest District 56,534 168,874 Pop. Variance 1.003 to 1 1.01 to 1 Max. Dev. Above .20 .62 Max. Dev. Below1052 Total Deviation .30 1.14		House	Senate	OIL SUNION
Smallest District 56,534 168,874 Pop. Variance 1.003 to 1 1.01 to 1 Max. Dev. Above .20 .62 Max. Dev. Below1052 Total Deviation .30 1.14	Normal District	56,591	169,773	Le contra - Constrant - Constrant
Pop. Variance 1.003 to 1 1.01 to 1 Max. Dev. Above .20 .62 Max. Dev. Below1052 Total Deviation .30 1.14	Largest District	56,705	170,837	6° 41 / 2
Max. Dev. Above .20 .62 Max. Dev. Below1052 Total Deviation .30 1.14 A set of the set of	Smallest District	56,534	16 <b>8,</b> 874	CUT AUTHAN
Max. Dev. Below1052 Total Deviation .30 1.14	Pop. Variance	1.003 to 1	1.01 to 1	E man Stat
Total Deviation .30 1.14	Max. Dev. Above	.20	.62	
18 - 24 - 12 - 13 - 14 - 10 - 14 - 10 - 14 - 10 - 14 - 10 - 14 - 10 - 14 - 10 - 14 - 10 - 14 - 10 - 14 - 10 - 14 - 14	Max. Dev. Below	10	52	
The new off the second	Total Deviation	.30	1.14	
			· Q.	$\frac{1}{2} \frac{1}{2} \frac{1}$
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## HOUSE OF REPRESENTATIVES STATISTICS

		OPTIMUM	ACTUAL		PERCENT
DISTRICT(S)	HEMBER(S)	POPULATION	POPULATION	VARIANCE	VARIANCE
1	3	169,773	169,730	-73	04
. 4	3	169,773	159,358	35	• 5
7	1	56,591	55,004	13	.0?
8	1	55,591	55,549	-51	09
9	1	56,591	jj,j4 jj,j61	70	•12
10	1	56,591	55,613	12	• 0 2
11	2	113,182	113,159	-23	02
13	1	56,591	55,556	-35	36
14	1	56,591	55,523	32	.05
15	1	56,591	55,551	-30	35
15	5	232,955	232,354	-91	03
21	4	226,364	225,155	-239	39
25	1	56,591	55,598	7	.01
25	2	113,192	113,165	-17	31
28	1	56,591	55,619	28	• 04
29	3	169,773	159,786	13	• 3 0
32	3 1	56,591	<b>55,65</b> 8	67	•11
32	1	56,591	55,640	49	• 0 8
33	1	•	55,540 55,581	+5	01
35	1	56,591	56,537	-54	19
35	1	56,591	•	-54	.01
35 37	1	56,591	55,602	114	.20
37 33		56,591	55,735 773 525	79	• 02
44	6 4	339,546 226,364	339,625 226,277	-37	• û 3
48	1	56,591	55,534	-57	19
49	1 4	226,364	225,271	-93	04
53	4	226,364	225,458	-93	• 3 4
57	4 5	232,955	232,998	-47	•J- •ů1
62	2 4	225,355	225,255	-139	-•01 -•34
62 65	5	232,955	283,333	78	.02
71	2	113,182	113,122	-60	02
73	2	113,182	113,270		.07
75	1	56,591	55,562	-29	07 05
76	1	56,591	55,550	59	.10
77	1	56,591	55,571	80	•14
78	6	339,546	333,512	05 05	•14
84	5	282,955	232,958	3	• J 1
89	1	56,591	55,556	-35	05
90	2	113,182	113,199	17	•01
92	6		339,525	-21	• 0 0
98		339,545		163	• Ū4
98 10+	6	339,545	333,709 232,338	-17	•04 •09
	5	282,955	333,259	-287	•00 •08
109		339,545		-257	• 05
115	5 1	282,955	233,124	47	• 28
120	1	55,591	35,538	ч <b>г</b>	• • • •

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## Summary of General Legislation, 1972 ... Florida Legislature

### HEALTH, WELFARE AND REHABILITATIVE SERVICES

The 1972 Legislature enacted major new programs and services, as well as numerous acts amending existing services.

### Programs & Services:

Committee Substitute for Senate Bill 498 (Chapter 72-264) is known as the Health Maintenance Organization Act. It authorizes the development of such organizations in Florida, a concept which allows a person to contract with an HMO for the medical services he needs by payment in advance of a fixed sum. The act provides procedures whereby an organization seeks authority to operate from the Department of Insurance and maintains the integrity of its fiscal operations under the supervision of that department. Concurrently its organization must be approved by the Health and Rehabilitative Services and it remains subject to the supervision of that department with regard to matters affecting the health care services.

An advisory certificate of need for hospital or nursing home construction involving an increase in beds or an expenditure of over \$100,000 for hospitals or \$50,000 for nursing homes will be required after July 1, 1973, by Committee Substitute for House Bill 3152 (Chapter 72-391). Certificates are to be issued by the Division of Planning and Evaluation's Bureau of Community Medical Facilities Planning upon recommendation of the advisory comprehensive health planning

council of the appropriate areawide health system identified in PL 89-749. In licensing health care facilities, the Division of Health must consider but is not bound by the certificate. The bureau's denial of a certificate must be in writing with findings of fact, and its actions are made subject to appeal and mandamus. Excluded are facilities not existing in the district, emergency replacements, and those in progress on July 1, 1973.

Treatment facilities under the mental health act were extended to include federal facilities whose patients are the responsibility of the Veterans Administration, according to House Bill 3647 (Chapter 72-396). Such facilities were made eligible to be designated state receiving or treatment facilities and to contract with the state for services. Senate Bill 489 (Chapter 72-386) defined community mental health facility. In place of the prohibition on use of state funds for initial capital improvements for such facilities, it authorized state expenditures for such improvements provided they are part of a community mental health plan.

Senate Bill 1273 (Chapter 72-180) created the Bureau on Aging in the Department of Health and Rehabilitative Services and prescribed its duties.

Committee Substitute for Senate Bill 413 (Chapter 72-132) enacted the comprehensive family planning act and authorized the Department of Health and Rehabilitative Services to implement a comprehensive family planning program subject to certain restrictions and conditions.

Senate Bill 677 (Chapter 72-219) prescribed the training required for a person to be certified as a physician trained mobile rescue paramedic. Certification is made by the Division of Health of the Department of Health and Rehabilitative Services. Finally, Senate Bill 490 (Chapter 72-216) authorized the Department of Health and Rehabilitative Services to develop and implement state-operated regionally administered detention and shelter care services for children. County detention and shelter care facilities will gradually be phased into the regional administration and assumed by the state under a plan devised by the Department and expected to be complete in 1978.

The Appropriations Act increased funds in many programs, including raises in AFDC payments from 60% to 65% of unmet budget needs and in adult welfare grants from \$114 to \$121 maximum per month. House Bill 4017 (Chapter 72-298) extended the food stamp program into all counties not previously served and clarified legislative intent. Senate Bill 1201 (Chapter 72-225) required counties to participate in the state-operated program of medical assistance to the extent of 35% of certain expenses incurred for eligible citizens of the county and required state aid funds to be withheld for nonpayment. House Bill 4288 (Chapter 72-302) made revisions concerning drug abuse treatment centers, prohibiting dispensing of methadone without rehabilitation and removing nonage of minors for drug treatment purposes.

The term "migrant labor camp" was extended to parts of a building used as living quarters for five or more workers, instead of fifteen or more, by Senate Bill 927 (Chapter 72-176). The Division of Health was given authority to make rules concerning minimum living space per occupant, and a

potable water supply was required within each unit of a camp used for family residential purposes.

## Physician's Liability:

Senate Bill 307 (Chapter 72-131) authorized a physician to render emergency medical care or treatment to a minor who was injured in an accident or is suffering from acute illness, despite the absence of parental consent if delay in the care or treatment would endanger the minor's health. The act specifies the conditions under which the parental consent is considered unobtainable. House Bill 3122 (Chapter 72-62) defined medical review committees and provided the members immunity from monetary liability in actions by providers of health services for acts performed within the scope of the committee's functions.

Lawful procedures to be adhered to by physicians and other medical personnel in the termination of pregnancies were prescribed by Committee Substitute for Senate Bill 284 (Chapter 72-196).

## Miscellaneous:

House Bill 1377 (Chapter 72-139) provided that the director of a county health unit may be a doctor of osteopathy as well as a doctor of medicine. Senate Bill 728 (Chapter 72-323) authorized the director of the Division of Health to appoint a county health unit director when the county fails within six months to do so. The director's compensation is to be fixed by the Division of Personnel of the Department of Administration. House Bill 3489 (Chapter 72-156) exempts the institute directors of the mental health

institutes in Miami and Tampa from the career service of the state.

Senate Bill 484 (Chapter 72-412) designated the Florida Youth Development Center in Gilchrist County as the Howell E. Lancaster Youth Development Center in memory of the late Representative Howell E. Lancaster.

### Corrections:

The statutory purpose of all state prisons was made to provide custody, care, training and counseling for inmates, by Senate Bill 930 (Chapter 72-331) with the institution in Union County losing its designation as Reception and Medical Center and the authorization for the Santa Fe Correctional Farm being repealed.

House Bill 718 (Chapter 72-120) created the State Institution's Claims Fund from which damages caused by escapees and inmates of state institutions under the Department of Health and Rehabilitative Services may be paid by the Department of Legal Affairs. Senate Bill 1200 (Chapter 72-350) authorized the Division of Mental Health and the Division of Retardation to deposit funds received for treatment or care of patients, based on the Social Security Act, in a trust fund for division operation.

A joint interim legislative committee, composed of four members of each house, to study the needs of veterans of any war or hostilities in which the United States has engaged, who are currently residing in Florida, was created by Senate Concurrent Resolution 154.

Summary of General Legislation, 1972 . . . . Florida Legislature

#### INSURANCE

Senate Bill 783 (Chapter 72-173) created the Division of Insurance Company Regulation in the Department of Insurance. The present Division of Insurance Regulation was renamed the Division of Insurance Consumer Services. The Department of Insurance was authorized by House Bill 3482 (Chapter 72-248) to impose a fine of up to \$1,000 per violation in lieu of revoking or suspending an insurer's certificate of authority. House Bill 4008 (Chapter 72-297) increased the minimum requirement for proof of financial responsibility to \$25,000 for bodily injury to, or death of, one or more persons in any one accident. The present \$5,000 property damage was retained.

The 1972 Legislature passed a number of bills concerning insurance coverages. House Bill 3460 (Chapter 72-82 ) provides that disability policies issued after August 1, 1972, which provide hospital, medical or surgical coverage for newborn children, shall provide coverage to the extent provided in the policy for congenital anomalies, from the moment of birth. Senate Bill 488 (Chapter 72-11) provides that any accident and sickness policy, medical service plan or other contract providing for the payment for procedures specified in the policy or contract which are within the scope of an optometrist's professional license, shall be construed to include payment to the optometrist who performs the procedures. House Bill 1662 (Chapter 72-22) amended the provisions relating to the

windstorm coverage in high risk areas to include windstorm coverage for any mobile home while used as a dwelling and tied down in compliance with mobile home tie-down requirements prescribed by the Department of Insurance.

Physician's groups were authorized to organize for the purpose of purchasing medical malpractice insurance by Senate Bill 936 (Chapter 72-265), provided they are approved by the Department of Insurance, establish a medical malpractice risk trust fund and employ a professional staff under a risk management program. Reserves must be maintained, as required by regulations of the Department of Insurance.

House Bill 2254 (Chapter 72-57) permits an association or society to be deemed a policyholder for and to afford group life insurance to the members of such association or society, subject to the requirements of the act. Premiums may be paid from funds of the policyholder or insureds, or both, and unused funds applied for the sole benefit of insured members on a fair basis.

House Bill 452 (Chapter 72-17) authorized a director who receives annual compensation from his corporation in excess of \$2,500 to be eligible for the corporation's employee's group insurance. House Bill 1974 (Chapter 72-23) requires insurers to pay to the insured or his beneficiary the full amount of insurance on which premiums were paid, notwithstanding other limitations provided in the insurance code. House Bill 564 (Chapter 72-18) authorized the Department of Insurance to assess an

insured's costs and attorneys fees against an insurer who wrongfully canceled or wrongfully refused to renew a policy, as determined in an administrative hearing. Reinstatement was made effective from the date of cancellation and the coverage continuous to the date on which the order was issued and thereafter, instead of operating retroactively to cover a period not to exceed 15 days from the date cancellation otherwise would have been effective.

House Bill 534 (Chapter 72-34) requires a life insurance agent's license to state whether it is for a primary or additional license. The primary license is issued for the agent's qualification for the first insurer he is licensed to represent. Additional licenses to represent additional companies may be issued without examination provided the applicant holds a valid primary license.

House Bill 3485 (Chapter 72-249) provided for periodic examination of premium finance companies and established a new schedule of fees for their filings, containing increases over previous amounts. Senate Bill 653 (Chapter 72-126) amended several definitions relating to scholarship plans regulated by Part II of Chapter 617, Florida Statutes, and provisions as to the board of directors of corporations administering such plans. House Bill 3124 (Chapter 72-363) impressed reserve funds held by title insurers with a trust in favor of the holders of title guarantees and policies. The unearned premium reserve is reduced by 5% a year.

In the place of the Fire Insurance Trust Fund, House Bill 3461 (Chapter 72-206) created the Casualty Insurance Risk Management Trust Fund, to provide workmen's compensation, general liability, and fleet automotive liability insurance coverage for all departments of state government unless specifically excluded by the Department of Insurance. The Department of Insurance is authorized to secure insurance, specific excess and aggregate excess insurance as necessary to provide the required coverages. Medical malpractice and nuclear energy coverages are excluded. The act is to be administered by the Division of Risk Management created in the Department. Funds appropriated for named coverages may be transferred to the risk management trust fund and future premiums are to be billed to each state agency according to coverages obtained for their benefit. Annual reports in specific detail are to be made to the Governor and legislative committees.

Senate Resolution 564 provided for a select Senate committee to be created to study flood insurance, with a view toward increasing its availability and lowering its premiums so more people can afford to purchase it.

### LOCAL GOVERNMENT

New directions for local government legislation were indicated in the actions of the 1972 legislative sessions. The home rule philosophy and other structural innovations of the 1968 Constitution having been largely implemented by earlier sessions, the Legislature in 1972 initiated two further phases of development. In the area of structure, the Legislature strengthened its state planning program, extended the state's land and water management and environmental planning, and created the Commission on Local Government (discussed below) to seek a more rational and comprehensive system of local government - or recommend improvements where needed. In the finance area of local government, tax and revenue sharing measures were enacted with a one-year expiration \*, indicating they were felt to be tentative and exploratory. The 1973 session and its successors will have both the experience of these acts and the recommendations of the Commission to assist them in devising the extensions of these measures.

The detailed study assigned to the fifteen member Commission on Local Government created by House Bill 2997 (Chapter 72-44) is to cover the operation and organization

<sup>\*</sup> See the article NATURAL RESOURCES

<sup>\*\*</sup> See Local Government in the article TAXATION; REVENUE SHARING

of counties, school districts, special tax districts and municipalities and the development of recommendations to eliminate overlapping responsibilities and duplicating costs and to provide both a rational system of local government and a comprehensive system of local government financing. The commission is to be composed of three senators appointed by the Senate President, three representatives appointed by the Speaker of the House and nine citizens appointed by the Governor. It is charged with advising the Governor and the Legislature on appropriate executive, statutory, and constitutional measures to improve local government in Florida. Its official reports are to be transmitted to the Governor and the Legislature at least 30 days prior to the 1973 and 1974 regular legislative sessions. The executive director employed by the commission is authorized to employ additional staff as necessary and to contract with consultants with the consent of the commission. The act carries an appropriation of \$50,000 for the 1971-72 fiscal year.

In keeping with the above and with the creation of a commission to make recommendations on county constitutional officer's compensation, the effective date for new procedures for determining the pay of county officials was delayed until 1974 by Committee Substitute for House Bill 3120 (Chapter 72-240).

Members of all governing boards were affected by Senate Bill 223 (Chapter 72-311) which provides that unless a member

## \* See PUBLIC EMPLOYMENT AND RETIREMENT

of a state, county, or municipal board, commission or agency is absent from a meeting or disqualified by a possible conflict of interest, properly disclosed, he must vote on each official decision, ruling or act taken or adopted, and a vote shall be recorded or counted for each such member present.

Senate Bill 7 (Chapter 72-6) requires adverse state audit findings to be clearly designated, and requires an official whose office has been audited to submit a written explanation or rebuttal of them within 20 days. Instead of permissive authorization, the rebuttal is required to include statement of corrective actions taken.

Senate Bill 347 (Chapter 72-71) authorized any department, agency or political subdivision of the state to comply with the provisions of the federal relocation assistance and real property acquisition policies of 1970 in connection with any public project in which federal funds are used.

Committee Substitute for House Bill 1204 (Chapter 72-36) authorized any state agency or political subdivision of the state to defend tort actions brought against any of its officers or employers as a result of alleged negligence arising out of and in the scope of employment, unless the action was done in bad faith or with malicious purpose, or exhibited willful and wanton disregard of human rights, safety and property.

An additional and supplemental method of municipal annexation is provided by Senate Bill 39 (Chapter 72-2). Upon petition by the owners, and adoption and publication

of a non-emergency ordinance, the city's governing body may annex contiguous property and redefine the city limits to include the property. The ordinance must be filed with the county's clerk of the circuit court and with the Department of State.

House Bill 3367 (Chapter 72-247) and Senate Bill 1204 (Chapter 72-353) removed the \$50,000 annual limit on state operating grants to libraries and made municipalities equally eligible with counties to receive them.

The establishment, operation and maintenance of a transportation system was declared a county purpose, on which available funds may be spent, by House Bill 3274 (Chapter 72-384). This act authorized an additional one-cent county gas tax for this purpose, subject to county referendum, while House Bill 2092 (Chapter 72-105) authorized local transit buses, public and private, to carry X-Series license plates.

House Bill 481 (Chapter 72-98) requires the board of county commissioners of each county annually to determine the extent of the county's financial participation in cooperative extension work which will influence the number of county extension agents and clerical staff employed and the scope of the local extension program. As employer of personnel employed cooperatively with federal, state, and county funds, the University of Florida will appoint extension agents, but candidates must be approved by the board of county commissioners prior to appointment.

Portions of the cost of life, health, accident, hospitalization, or annuity insurance paid from county funds for its officials and employees are not deemed compensation within the purview of Chapter 145, Florida Statutes, according to House Bill 3293 (Chapter 72-111). The actions and tax levies of certain fire control districts were validated by Senate Bill 1219 (Chapter 72-418). Provisions for retirement of elective municipal officers were amended by House Bill 1823 (Chapter 72-280).

Among miscellaneous bills affecting local governments were several relating to public funds. Certain bonds and other obligations of the Commonwealth of Puerto Rico and its political subdivisions were made legal security for public deposits and legal investments for public and private funds under provisions of Senate Bill 925 (Chapter 72-136).

Savings accounts of savings associations in which public funds are invested are made subject to the same requirements relating to deposit and pledge of securities as those in banks except to the extent that the accounts are insured by the United States or an agency thereof, according to Senate Bill 1261 (Chapter 72-226). Such accounts are made eligible as security for deposits to the extent they are so insured. Banks depositing guaranteed student loans or small business administration loans as security for deposit of public funds are authorized to retain possession of such securities under House Bill 2973 (Chapter 72-361).

Public buildings were the concern of several bills.

Space in buildings owned or leased by the state or its political subdivisions may be leased to credit unions whose members are employees of the state or such political subdivisions, under the authority of Committee Substitute for House Bill 1528 (Chapter 72-140).

Senate Bill 318 (Chapter 72-27) provided that the state or any county or municipality may require that bids submitted for construction or improvement of public buildings be accompanied by evidence that the bidder holds an appropriate certificate of registration issued under the construction industry licensing law. However, House Bill 3279 (Chapter 72-130) provided that in such bidding a contractor may not be required to submit an audit or inspection of any federal income tax returns as a precedent to bidding, either on the construction of a public work or supplying of materials, labor, equipment, or services or any combination thereof. Penalty is provided for violation.

The requirements for public buildings to afford facilities for the physically handicapped were revised by Committee Substitute for House Bills 2679, 2870 and 3019 (Chapter 72-281). Implementation is by the Department of General Services.

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### MOTOR VEHICLES

### Titles and Plates:

Committee Substitute for House Bills 79 and 417 (Chapter 72-15) prohibits the issuance of title for a motor vehicle until the applicant has shown that all sales and use taxes due on the transfer are paid, a current motor vehicle registration has been obtained (if required) and, for mobile homes bearing "RP" tags, the intended site has been furnished to the tax assessor.

Senate Bill 1051 (Chapter 72-339) defined recreational vehicles of various types and prescribed the fees for "RV" series tags to be borne by them.

Issuance of three year license plates (beginning July 1, 1974, and each third year thereafter) is provided by Committee Substitute for Senate Bill 169 (Chapter 72-79). In the two intervening years, annual revalidation stickers will be issued, to be attached to the license plates. The act further provides that a vehicle's license plate and certificate of registration will be issued to and remain in the name of the owner, and be transferred by him from one vehicle to another when one is sold and another replaces it. Fee for such transfer is \$4.50. If the replacement vehicle is of a weight or length requiring a higher license tax than the vehicle replaced, the pro rata portion of the difference must be paid in addition to the fee. If less, no refund is authorized and the original plate must be surrendered. When a person

sells a used vehicle he must remove the license plate from it before transferring ownership. The act is effective July 1, 1973, but becomes operative a year later.

Senate Bill 172 (Chapter 72-80) authorizes a vehicle owner, upon payment of fees totaling \$12.50, to be issued a license plate personalized with three numerals, three capital letters or a combination of up to seven characters and a hyphen. A special series of three numerals preceded by "PRES" is reserved for press personnel. The personalized prestige license plates are available only for private use automobiles. A desired lettering, numbering or combination may be reserved by submitting application and fees up to 90 days prior to the plate issuance date. An objectionable text may be refused or, if issued, the plate recalled. The plate may be transferred from one vehicle to another upon payment of \$4.50 transfer fee and any license tax differential. Failure to renew for three consecutive years forfeits a person's right to exclusive use of his plate.

Senate Bill 113 (Chapter 72-31) changes the designation on free license plates issued to veterans who are disabled due to a service connected disability or paralysis, from the initials "DV" to a wheelchair symbol. A front plate with the symbol is also authorized. Senate Bill 278 (Chapter 72-379) authorized special tags for holders of citizens band radio licenses. Local transit buses, public and private, were included in the vehicles eligible for "X" tags, by House Bill 2092 (Chapter 72-105).

Senate Bill 191 (Chapter 72-46) increases the duration of temporary license tags for motor vehicles from 5 days to 20 days.

### Manufacturers and Importers:

House Bill 3434 (Chapter 72-112) amends Section 320.60(9), Florida Statutes, relating to the licensing of manufacturers, distributors, and importers of motor vehicles, to include motorcycles in the definition of motor vehicles.

Senate Bill 108 (Chapter 72-26) amends Section 814.07, Florida Statutes, which prohibits the shipping of motor vehicles from air or water ports in the state without presentation, by the owner or his agent, of a certificate of right of possession, and redefines "motor vehicle" and "vessel." The owner, master or captain of the vessel or aircraft is required, on receipt of the certificate, to examine the motor vehicle and verify that its description and serial number are identical with those on the certificate. Application for a certificate must be sworn to, and be accompanied by a fee of \$2.00 and either a certificate of title or a registration certificate from a non-title state. The act adds an exemption for new motor vehicles consigned by a manufacturer to consignees outside the continental United States. Penalties under this statute were revised by Senate Bill 1266 (Chapter 72-356).

### Inspection:

Committee Substitute for House Bill 2606 (Chapter 72-39) provides for the establishment, by the Department of Pollution Control, of a maximum number of decibels of

sound which may be emitted from motor vehicle exhaust systems. Vehicles exceeding the established maximum noise level shall be denied a safety inspection sticker by the Department of Highway Safety and Motor Vehicles. The act is effective January 1, 1973. Grove equipment was exempt from windshield requirements by House Bill 2998 (Chapter 72-287).

House Bill 2691 (Chapter 72-141) amended the vehicle inspection safety law to provide that if the last of a month is a holiday, the inspection certificate is valid through the first day of the following month and the vehicle may then be presented for inspection. If a person is absent from the state when his inspection certificate expires, he is now permitted ten days from his date of return to get the vehicle reinspected. The act also requires a vehicle's exhaust to be inspected, duplicating certain provisions of House Bill 2606 (Chapter 72-39) as stated above.

## Damaged Vehicles :

Police officers investigating an accident are required to attach a damage release sticker which describes the vehicle and authorizes its repair, according to Senate Bill 305 (Chapter 72-164). The act then makes it unlawful for any person to repair a vehicle that does not have such a sticker on it if such vehicle appears to have been damaged by being involved in an accident or struck by the discharge from a firearm. A garage man presented with a damaged vehicle that does not bear such a sticker is required to report the fact to the police and to withhold repairs. Penalty for violation is provided.

Senate Bill 662 (Chapter 72-94 ), redefines a "total loss" motor vehicle, for salvage purposes, as any vehicle of a model year within five years of the date of damage, instead of seven years. The requirements for turning in the title certificate, identification plate and tag of a vehicle were made applicable when the repair cost, rather than the insurer's payment, is 75% or more of the replacement cost.

## Driver's Licenses:

Senate Bill 81 (Chapter 72-211) gives an applicant the option of purchasing either a two year driver's license or a four year driver's license. Driver's licenses will bear a full face color photograph of the licensee and his usual signature beginning July 1, 1973, under the requirements of House Bill 702 (Chapter 72-279). Senate Bill 880 (Chapter 72-175) defined the term "habitual traffic offender" as being a person who is convicted of a specific number of offenses, graded as to seriousness, during a specific period of time. The Department of Highway Safety and Motor Vehicles is required to revoke the driver's license of such person and he is not eligible to be relicensed for a minimum of five years. The Department's order is reviewable by writ of certiorari, as provided in Chapter 120, Florida Statutes. At the end of five years, the Department must hold an administrative hearing to determine whether the person's driving privileges shall be restored, either unrestricted or restricted to business purposes. An habitual offender who drives without a license is guilty of a misdemeanor of the first degree. Reports of conviction

of a violation of a law regulating the operation of motor vehicles on the highways are to be made by the court, to the Department, on a standard form prescribed by the Department, and shall be signed by the judge or clerk.

The reallocation of revenues from mobile home tags and eighth cent gas tax are discussed under Local Government Tax Measures in <u>TAXATION; REVENUE SHARING</u>.

#### NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

A highlight of the 1972 Legislature was its enactment of far-reaching natural resource planning and management legislation, and provisions for the financing of the measures. Planning - General:

Committee Substitute for House Bill 3801 (Chapter 72-295) enacted the Florida State Comprehensive Planning Act of 1972. The structure of the Department of Administration was changed as follows: the Division of Planning and Budgeting was renamed the Division of State Planning; a Division of Budgeting was created; and the Bureau of Planning and the Bureau of Budgeting were deleted from the statutes. Provision was made for the preparation and publication of a state comprehensive plan, the object of which is to provide long-range guidance for the orderly social, economic and physical growth of the state, and the Governor was named to be the chief planning officer of the state.

The Division of State Planning was directed to develop a land use plan, within the framework of the state comprehensive plan, to guide decisions relating to public and private development within the state in such a manner that the natural resources and environment will be protected.

Legislative approval was required for the adoption of the state comprehensive plan, and state departments or agencies were prohibited from adopting projects inconsistent with the plan.

## Planning - Land & Water Management:

Committee Substitute for Senate Bill 629 (Chapter 72-317) enacted the "Florida Environmental Land and Water Management Act of 1972." The state land planning agency was authorized to recommend, and the Administration Commission composed of the Governor and Cabinet was authorized to designate, geographical areas of the state as areas of critical state concern. Local governments were authorized to adopt appropriate land development regulations for such areas, subject to approval of the state land planning agency, and procedures were provided for adoption of requlations by the Commission at the recommendation of the agency, if local governments failed to formulate proper regulations. Procedures for enforcement of regulations were provided, and the land areas which could be designated as areas of critical state concern were limited to 5% of state land.

Developments of regional impact were defined as construction projects which, because of their large scale, presented issues of regional or state significance. Procedures were provided whereby a developer could apply for designation of a project as a regional impact development. The state land planning agency is to print each week a list of all applications that have been filed.

The Florida Land and Water Adjudicatory Commission, consisting of the Administration Commission, was created to act as an appeals board for decisions of local zoning boards concerning areas of critical state concern or regarding

developments of regional impact. Judicial review of Commission decisions was provided.

Protection of the constitutional rights of landowners was expressly provided for, as was a requirement that a specification of reasons accompany a denial of developmental permits.

An Environmental Land Management Study Committee of fifteen members was created to study all facets of land resource management and land development regulation. This Committee was required to submit a report of its findings to the Governor and Legislature not later than December 30, 1973. An appropriation of \$150,000 from the General Revenue Fund to the Department of Administration was provided to carry out the terms of this act for the period from May 1, 1972, through June 30, 1973.

The effective date of this act was set at July 1, 1972, except for the sections concerning the appropriation and the Environmental Land Management Study Committee, which were to become effective May 1, 1972, and with the further provision that no area was to be designated as an area of critical state concern until a favorable vote occurred at a referendum on a state bond program for the acquisition of lands of environmental importance to the state or region. (See "Financing", below)

# Planning - Water Use:

Committee Substitute for House Bill 4060 (Chapter 72-299) enacted the Florida Water Resources Act of 1972 for the comprehensive management of the state's water resources.

The Department of Natural Resources was granted broad supervisory power, while direct authority was vested in certain water management districts. Acts of other governmental bodies, specifically use of the powers of eminent domain, are required to be brought to the attention of either the Department or the appropriate water management district before action is taken. Most rules and regulations of the water management districts are likewise made subject to approval by the Department.

The act requires development of a state water use plan, which shall include consideration of minimum flow of all surface watercourses, minimum water level, public recreation, protection and procreation of fish and wildlife, and water supply sources. This plan, together with water quality standards and classification established by the Department of Pollution Control, is to comprise the Florida water plan. Five water management districts were created as the northwest Florida, Suwannee River Basin, St. John's River Basin, southwest Florida, and south Florida water management districts. Boundaries of these various districts is to be determined by the Department of Natural Resources at a later time. Their governing boards of nine members are to be appointed by the Governor to four year terms and are subject to confirmation by the Senate. The boards are generally to enforce the provisions for water management enumerated by the act and any other laws, rules, and regulations pertaining thereto. In addition the boards may issue permits; plan, construct, operate and maintain works of the district; determine,

establish and control level of water; spend 1/4% of its annual revenue for promotion, advertising, and program review; charge fees for permits; tax in the manner prescribed by law for ad valorem taxation; subject to water quality approval of Department of Pollution Control, grant permission for projects involving artificial recharge or the intentional introduction of water into any underground formation; establish procedures for water use and construction of dams, impoundments, etc.; issue emergency orders; if so delegated, issue permits for sources of water pollution; require property for flood control, water storage, water management, and preservation of wetlands, streams, and lakes; require prior permission for construction of wells, with wells over two inch diameter to have individual permits; license persons engaging in construction of wells; allow well construction standards; revoke permits; take acts necessary to replenish ground water; and do all other things necessary to those purposes.

The act further requires permits in the case of management and storage of surface water, including installation and maintenance of headgates, valves, and measuring devices. Tampering with a measuring device is made a misdemeanor of the second degree, and dams, impoundments, etc., which violate the act are declared to be public nuisances.

Committee Substitute for House Bill 3432 (Chapter 72-291) revised the basic structure of the state's drainage law (Chapter 298, F. S.). The purpose of water management districts (previously drainage districts) was clarified as being the preservation and protection of water resources, and irrigation was included as a means of the said protection. A majority of

landowners within a proposed district were permitted to petition for the formation of a water-management district, with a list of owners within the proposed district, along with a description of their land and certain maps or plats required to be included in the sworn petition.

The notice of publication of a proposed district also was required to describe by name and address the owners and parcels of land to be included, and the circuit court was required to hold a full hearing on the petition. Owners of land contiguous or adjacent to the proposed district were permitted to file objections with the court, and the Department of Natural Resources was required to file an answer with the court. Also local governing bodies of areas proposed to be included in a district were permitted to file objections. Notice requirements similar to those for creating districts were also provided for amendment of former decrees establishing districts, for consolidation of existing districts, and for extension of district boundaries.

Members of district boards of supervisors were required to be residents of counties in which district land was located, and landowners with less than one acre of land were entitled to have one vote at supervisor's elections. Copies of records of supervisor's proceedings were required to be filed with the clerk of the circuit court and with the Department of Natural Resources. A copy of the annual audit of a district's finances was required to be filed with the state auditor.

The boards of supervisors of districts were restricted in their powers to implement only those improvements outlined in the water-management plan, and powers given supervisors to construct and maintain hydroelectric plants were repealed.

Annual reports of districts, and district water-management plans were required to be filed with the Department of Natural Resources. The Department was required to review district plans every five years.

The permitted tax per acre was increased to an amount up to one dollar per acre from an amount up to fifty cents per acre. The rate of permitted interest on loans for emergencies was increased from eight to ten percent, and the rate of interest on certain evidence of indebtedness was increased from six percent to eight percent. It was provided that the collection and enforcement of all taxes levied by districts shall be as county taxes are collected and enforced. Various provisions relating to the prior method of collection and enforcement were repealed. Also repealed was the provision relating to the approval of district bonds by the Department of Natural Resources.

Senate Bill 648 (Chapter 72-318 ) authorized the use of aquifers or other subterranean bodies of water for regulation of water levels in flood control districts regulated by Chapter 378, F. S.

House Bill 3746 (Chapter 72-114) authorized the Department of Agriculture and Consumer Services to determine the election place, as well as the date, for electing district supervisors of soil and water conservation districts regulated by Chapter 582, F. S.

## Financing:

Senate Bill 1245 (Chapter 72-355 ) appropriated \$4 million from the Internal Improvement Trust Fund to the fund's Trustees for the acquisition of natural resource lands during the fiscal year ending June 30, 1973.

Committee Substitute for House Bill 4228 (Chapter 72-300 ) created the "Land Conservation Act of 1972." The issuance of state bonds pledging the full faith and credit of Florida in an amount not to exceed \$200 million for state capital projects for environmentally endangered lands, and in an amount not to exceed \$40 million for state capital projects for outdoor recreation lands, was agreed to subject to approval by a vote of the electors at the general election in November 1972, pursuant to Section 11(a) of Article VII of the State Constitution. Also authorized was the development and execution of a comprehensive plan to conserve and protect environmentally endangered lands.

Committee Substitute for Senate Joint Resolution 292 proposes to amend Section 9(a) of Article XII of the State Constitution to delete the prohibition against the issuance of revenue bonds under the authority of Section 17 of Article IX of the Constitution of 1885, and to reinstate this section, permitting revenue bonds, revenue certificates, and other evidences of indebtedness issued hereafter under said authority may be issued by the agency of the state authorized to do so by law. The issuance of revenue bonds under this amendment would be for the acquisition of lands and water areas in furtherance of outdoor recreation and natural resources

conservation.

# Recreational Uses; Wilderness System:

Committee Substitute for Senate Bill 962 (Chapter 72-337) authorized the director of the Game and Fresh Water Fish Commission to issue permits for recreational use of state-owned lands. Previously, such permits had been authorized for hunting purposes only. The maximum permissible charge for a permit was increased from \$5.00 to \$10.00. Revenues raised from such permits were earmarked 60% for the purchase or lease of lands for public recreational use and 40% for management of the lands.

Committee Substitute for Senate Bill 187 (Chapter 72-309 ) amended the State Wilderness System Act to permit privately owned land to be included in the wilderness system upon recommendation of the Interagency Advisory Committee. The land must be leased to the Trustees of the Internal Improvement Trust Fund for a minimum of 50 years, but may be terminated by the Trustees when in the best interest of the system. Recognition of the lease and the use restrictions is authorized in assessing the land. A parallel purpose was implemented by House Bill 3772 (Chapter 72-181), which amended Section 193.501, F. S., to extend the preferential assessment of lands dedicated to outdoor recreational or park purposes by covenant or conveyance of development rights to lands covered by such covenants or conveyances to the Trustees of the Internal Improvement Trust Fund.

## Beaches:

Important bills pertaining directly to beaches were enacted by the 1972 Legislature. The restoration of eroded beaches was strengthened by Senate Bill 597 (Chapter 72-170)

which allows funds to remain in the erosion control account trust fund for up to six years, instead of the previous three. The fund is used as state matching funds for projects related to locally sponsored erosion control.

Eroded beaches are included within the environmentally endandered lands for which state bonds are proposed by the Land Conservation Act of 1972 (See "Financing" above).

Senate Bill 133 (Chapter 72-86) recognized the danger to public beaches by erosion and provided alternate procedures to be utilized within limits of available appropriation for the Department of Natural Resources to establish and operate a program of financial assistance to local governments for the acquisition of public beach properties. The Department is allowed to make grants and advance loans to the governing body of a county or municipality not exceeding fair market value of waterfront property sought by such government for a public beach. In return for such grants and loans the local governments may be required to give assurance that they have sufficient financial ability to furnish or secure funds to complete purchase of property. The Division of Recreation and Parks may acquire waterfront property and lease, sell or grant acquired land and water areas, and related resources to the governing body of the county or municipality. Acquisition of public beaches in urban areas and full use of the Federal Land and Water Conservation Fund Act of 1965 is stressed.

House Bill 1891 (Chapter 72-104 ) rounds out the beaches bills of this session by empowering the Division of Recreation

and Parks to provide up to 50% matching funds for the cost of purchasing rights-of-way for access roads or walkways to public beaches on the Atlantic Ocean or Gulf of Mexico.

#### Pollution Control:

Senate Bill 1033 (Chapter 72-223 ) amended Section 403.051, Florida Statutes, to insure that due process is observed at hearings conducted by the Department of Pollution Control.

Judicial and administrative remedies for enforcement of laws and rules relating to pollution control were provided in Committee Substitute for House Bill 2996 (Chapter 72-286). The Department of Pollution Control was granted authority to institute civil action to establish liability and recover damages up to \$5,000 for each day of each offense. Injunctive relief is further to be available. Administrative remedies include hearings to establish liability and provision for orders to pay. Additionally, preventative action by administrative procedures was authorized, as well as all other legal or administrative action in accordance with law. Joint and several liability for damages was established for the full cost of restoring damaged areas to their previous state. Methods for assessing damages were provided. Discharge or emission into the atmosphere or waters of the state of contaminants or noise harmful or injurious to human health or welfare, animal, plant, or aquatic life or property was prohibited, in addition to violation of orders of the Department of Pollution Control. Violation was declared a misdemeanor of the first degree. A pollution recovery fund, into which all

moneys received in judgment or by order under the act are to be deposited, was established to provide for restoration of damaged areas.

House Bill 3020 (Chapter 72-53) required the Department of Pollution Control to adopt rules which will insure that after December 31, 1972, no detergents found to have a harmful effect on human health or on the environment will be sold in the state. Specific references to phosphorous and polyphosphate are deleted. Rules are required to be statewide and shall preempt any county or municipal act or ordinance that is less strict. More stringent ordinances may be approved only if the county or municipality has a state-approved pollution control program.

House Bill 3519 (Chapter 72-394) amends Section 377.21, Florida Statutes, to extend the jurisdiction of the Division of Interior Resources to the state boundaries as established by the Constitution. Provision was made for the Division to adopt rules and regulations for all phases of oil and gas exploration, drilling and production. Such rules are, in part, specifically to protect against spillage, as well as for other enumerated purposes. Permits were required for the production of oil, gas and other petroleum products. The construction of structures for drilling or production of oil, gas, etc. was prohibited within one mile seaward of the coastline or of a public park, acquatic or wildlife preserve or in a fresh water lake or stream; likewise on an improved beach or within three miles seaward

thereof unless approved by the county. Inland within one mile of the coast permits may be granted only when adequate precautions are shown. Further, the Division was granted authority to review all applications for federal oil leases in United States territorial waters adjacent to Florida's territorial waters. Conditions for granting permits for extraction through well holes were expanded to require programs for control of pollution. Violation of prohibitions against false statements and incomplete entries was raised from a misdemeanor of the second degree to one of the first degree. Civil penalties for violation were set at up to \$500 per day per violation. Pollution of land or water, damage to aquatic or marine life, wildlife, birds, public or private property, etc., is prohibited and any such pollution or damage is required to be reported immediately. Certain exceptions are enumerated in the act.

House Bill 3220 (Chapter 72-58) provided that no disposal facilities hereafter constructed will be allowed to dispose of wastes into designated bodies of coastal water from Clearwater to Punta Gorda without advanced waste treatment and approval of the Department of Pollution Control.

## Submerged Lands; Bulkheads:

Senate Bill 176 (Chapter 72-261 ) repealed the exemption of Monroe County from the provisions of the bulkhead act (Sections 253.122 through 253.128, F. S., inclusive) thereby bringing Monroe County under regulation. The Board of Trustees of the Internal Improvement Trust Fund was required within 45 days of the effective date of this act, to adopt a rule

requiring presentation to it, by the executive director of the board, of applications under Chapter 253, F. S., for approval or denial by the board within a time to be fixed in the rule. Also required was adoption of a rule providing for exemption from permitting procedures of projects not exceeding a size to be determined by the board. The exemption was not allowed for any project involving more than five thousand cubic yards of fill or dredging or exceeding \$5,000 in cost. This act will become effective January 1, 1973.

Committee Substitute for Senate Bill 433 (Chapter 72-214 ) required the intended purchaser of islands or submerged lands, at the time of making application for purchase, to submit an application for the establishment of a bulkhead line and an application for approval of a fill permit. If the fill material is to be secured from beneath the navigable waters of the state, the permit must be submitted in accordance with the provisions of Chapter 253, F. S. The Trustees of the Internal Improvement Trust Fund were permitted to convey such islands or submerged lands with a restrictive covenant prohibiting filling or dredging, except for navigation purposes. The Trustees were required to reserve the authority to waive the covenant when in the public interest to do so.

Construction permits on such lands, presently limited to three years from date of issuance, are made to expire three years after the applicant receives all required governmental authorities. The permit may be revoked if the applicant is not diligent in obtaining such authorizations. Extension of permits for additional periods of up to three years was retained

but the Trustees were authorized to require additional studies for use in deciding whether to grant extensions. It was further provided that the application for a fill or dredge permit must indicate whether or not the applicant holds title to, and is the riparian owner of the land involved. If not, in either case, the Trustees then must offer the board of county commissioners the right to exercise its option to purchase the land in question pursuant to Section 253.111, F. S. If that option is not exercised by the board of county commissioners, the Trustees are required to proceed in their consideration of the application for permission to dredge or fill land. The creation of an illegal fill was made punishable as a first degree misdemeanor, and each day of continuing violation after the initial citation was deemed to constitute a separate offense.

## Navigation:

House Bill 1163 (Chapter 72-20) prohibits moving, damaging, or mooring to, except in emergencies, a lawfully placed navigation marker, including: regulatory markers or buoys, area boundary markers or buoys, or navigation aid markers or buoys.

House Bill 104 (Chapter 72- 16 ) provides penalties for any artifically propelled water vehicle, other than a seaplane on the water, which constitutes a navigational or water safety hazard by anchoring or operating, except in emergencies, under bridges or in or adjacent to heavily traveled channels. Enforcement of this law is to be provided by the Division of Marine Resources and its agents, the Game

and Fresh Water Fish Commission and its agent, sheriffs and deputies or any other law enforcement officer, all of which have the authority to order removal of the vessel, conduct pertinent investigations, make arrests and file reports in connection with such violations.

Senate Bill 131 (Chapter 72-55) provides for the establishment of a uniform system of regulatory speed and traffic markers within the Florida Intracoastal Waterway. The Department of Natural Resources was given authority to adopt rules and regulations on or before July 1, 1972. Counties and municipalities with restricted waterway area designations under Section 371.522, F. S., are required to apply to the Division of Marine Resources for permission to place regulatory markers therein. Placement of regulatory markers within the waterway without a permit is prohibited. The Division of Marine Resources is authorized to remove any nonconforming or unpermitted regulatory markers as a nuisance after December 1, 1973. Section 371.59, F. S., was amended to revoke ordinances or local laws to the extent that they apply to the Florida Intracoastal Waterway.

## Salt Water Conservation:

Senate Bill 388 (Chapter 72-312 ) provides a statutory scheme for catching and selling bonefish. The effect of the act is to prohibit purchase or sale of bonefish; possession or storage of bonefish by wholesale or retail fish dealers on their premises; and possession of more than two bonefish by any one person, firm or corporation at any one time. Possession of any bonefish less than fifteen inches in length by any person

for any purpose is also made unlawful. Violation is punishable by a fine of not more than \$500 or six months imprisonment. Taxidermists acting in their line of work are exempted.

Paragraphs (a) and (b) of Section 370.14(2), Florida Statutes, are amended by Committee Substitute for House Bill 2823 (Chapter 72-76) to allow the measurement of crawfish tails for purposes of establishing minimum tail length while the crawfish is in a whole condition. Requirement that the crawfish stay in a whole condition while being transported on, above, or below the waters of the state is enlarged to encompass crawfish in possession of seafood dealers; but, the minimum tail length necessary for removal of the tail by special permit is reduced from six to five and a half inches, consistent with minimum size of tails still attached to body.

House Bill 3575 (Chapter 72-250) amended subsection (4) of the same Section 370.14, Florida Statutes, to authorize the Division of Marine Resources of the Department of Natural Resources to issue permits to licensed seafood dealers to import, process and package uncooked tails of crawfish during the closed season, provided that the crawfish come from waters at least fifty miles from Florida's shoreline. Tails so processed may not be sold in Florida. A fee of \$100 to import, process, and package the tails is required, as well as a fee of \$50 for a seagoing vessel to catch the fish for sale to a licensed dealer.

House Bill 2446 (Chapter 72-236) amends a number of requirements relative to minimum legal size for oysters. Possession of oysters less than legal size is prohibited,

except that such oysters may be placed upon the culling board of a vessel for the purpose of culling them out. The percentage of small oysters includable in a cargo or lot is reduced from 25% to 15% and measurement by bushel selected at random is provided. A new paragraph is added to Section 370.16(16), Florida Statutes, to prohibit sale of any oyster less than legal size and a presumption is created that the seller of an oyster had knowledge of its size.

House Bill 3227 (Chapter 72-204) directed that moneys collected by the Trustees of the Internal Improvement Trust Fund from sale of dead shell or lease bottoms be deposited in the General Revenue Fund rather than the Marine Biological Trust Fund. Generally, the purposes for which this money may be spent remains the same. Although under the new law the Department of Natural Resources is directed to spend 20% of such money for oyster and clam rehabilitation where each county previously spent such money.

Senate Bill 241 (Chapter 72-54) makes third conviction for shrimping in a closed area a felony, and provides for revocation of the person's and the vessel's permit for two years from the date of conviction. If the convicted party has no permit, he and the vessel are to be ineligible for a permit for five years.

Law relating to shrimp fishing in Clay, Duval, Putnam, and St. John's Counties was amended by House Bill 4018 (Chapter 72-116) to prohibit the taking of dead shrimp on Saturdays, Sundays, or legal state holidays. Previous

law applied the prohibition to both live and dead shrimp. Miscellaneous:

An appropriation of \$60,642 was made from the General Revenue Fund to the Division of Marine Resources of the Department of Natural Resources for the payment of salaries and other operating expenses of the Marine Research Laboratory for the period beginning March 1, 1972, and ending June 30, 1972. (Senate Bill 1151, Chapter 72-419)

House Bill 1361 (Chapter 72-37) made the Preservation of Wild Trees Act, Section 865.06, Florida Statutes, applicable to the Sabal Palmetto (Cabbage Palm).

September 23, 1972, and each fourth Saturday of September thereafter will be observed as "Hunting and Fishing Day" in Florida, according to Senate Concurrent Resolution 764. In designating the date and urging the Governor to issue a proclamation so declaring, the resolution recites that Representative Robert Sikes of Florida has introduced in Congress a resolution for a national "Hunting and Fishing Day" and that about half the states recognize such a day.

Summary of General Legislation, 1972 ... Florida Legislature

#### PUBLIC EMPLOYMENT AND RETIREMENT

#### EMPLOYMENT

#### Compensation:

A permanent nine-member advisory body known as the State Officers' Compensation Commission was created by House Bill 184 (Chapter 72-233). The Commission is charged with studying the compensation of public officers in the several state governments and reporting to each regular session its recommendations regarding the salary and expense allowance of the governor, lieutenant governor, cabinet members, supreme court justices, district court and circuit court judges, state attorneys, public defenders, public service commissioners, constitutional officers of the several counties, and members of the legislature. The effective date of county officials' salary adjustment provisions contained in Section 145.121, F. S., were postponed from January 1973 or the expiration of present terms of office, until after the adjournment of the regular legislative session following the submission of the first recommendations of said Commission or September 30, 1974, whichever occurs first, pursuant to Committee Substitute for House Bill 3120 (Chapter 72-240).

Section 24 of the General Appropriations Act appropriated \$43,718,964 to provide funds for pay adjustments of wages and salaries of career service personnel and Section 23 provided

\$2,582,462 for specified critical job classifications. In addition, House Bill 4308 (Chapter 72-400) amended Chapter 110, F. S., relating to the state career service, to provide that the pay plan shall be equitable, instead of uniform statewide. Shift differentials for selected positions were authorized, as well as geographic differential for selected positions. The General Appropriations Act provided \$250,000 for a cost of living research study in which the Departments of Administration, Commerce and Education will identify and determine the significance of cost of living differentials between and among the counties of the state and develop a formula to compensate state and school employees for any significant differential. Necessary legislation is to be reported by January 1, 1973. The General Appropriations Act made \$6,000,000 available for differential pay rates to state employees (Section 22) and provided conditions upon which the state may pay an aggregate of up to \$12,000,000 to designated school districts as district cost differentials (Item 199).

House Bill 4378 (Chapter 72-366) provided that the normal pay period of state employee's salaries shall be one month, but authorized the Department of Banking and Finance to issue either monthly or bi-weekly salary warrants for agencies, as requested by the agency head and approved by the Department of Administration.

The maximum per diem for all travelers, except those who presently receive a maximum of \$25.00 a day, was increased by Senate Bill 544 (Chapter 72-217) from \$17.00 per day to

\$20.00 per day or a maximum of \$25.00 per day, based on the meal allowance plus actual expenses for single occupancy lodging. Meal or lodging expense included in a convention registration fee must be deducted from the reimbursement for such fee. Senate Bill 440 (Chapter 72-213) authorizes an agency head to advance the anticipated cost of travel for all travelers and Senate Bill 743 (Chapter 72-324) requires a traveler who receives other than the most economical class of transportation, to refund the charges in excess of the rate for that class.

## Benefits:

Group insurance for public officials was authorized in amendments to Chapter 112, F. S., made by Senate Bill 1037 (Chapter 72-338). Previously group insurance was authorized by Chapter 112 only for public employees. Also, group life insurance was added to the types of group insurance for which public funds may be used. Section 5 of this act and House Bill 3293 (Chapter 72-111) excluded the portion of the cost of life, health, accident, hospitalization, or annuity insurance paid from county funds for county officials and employees from the compensation provisions of Chapter 145, F. S.

House Bill 4305 (Chapter 72-399) authorized the Department of Administration to prepare and administer a group health insurance benefit program for all state officers and all full time state employees holding salaried positions. State agencies were authorized to pay from available funds

75% of the individual cost for each officer or employee participating in the program, with the proportion uniform among agencies. Participants must pay the full cost of any additional coverage they purchase, or the cost of insuring their dependents under the program. Benefits under the program are not to replace workmen's compensation benefits. In determining the benefits under the program, the Department of Administration is to consider, but not necessarily be limited to, basic benefits, major medical benefits, and maternity benefits. The General Appropriations Act made \$7,182,000 available to implement this program during 1972-73 (Section 21).

## Selection and Working Conditions:

Appointment of county extension agents and staffs is provided by House Bill 481 (Chapter 72-98). Directors of county health units may be appointed by the Division of Health if the county fails for six months to do so, under Senate Bill 728 (Chapter 72-323). House Bill 1377 (Chapter 72-139) makes a doctor of osteopathy equally qualified with a doctor of medicine for such directorship. The directors of the mental health institutes at Miami and Tampa are exempt from the state career service by House Bill 3489 (Chapter 72-156).

House Bill 339 (Chapter 72-33) provides that no highway patrol officer shall serve beyond age 62.

Senate Bill 423 (Chapter 72-275) established the right of fire fighters to organize and bargain collectively

and to enter into collective bargaining agreements with the municipality, county or district employing them. Fire fighter groups are authorized to choose a bargaining agent by majority vote and the employing authority is obligated to recognize such agent and to meet and confer in good faith with the agent's representatives. Provision is made for an advisory arbitration board. The act declares as public policy that the right of a fire fighter to work shall not be deprived or abridged on account of membership or non-membership in any organization and they shall be protected in their right to join or refrain from joining an organization. The act is effective January 1, 1973, at which time all conflicting law and ordinances are repealed.

#### RETIREMENT

### In General:

House Bill 4129 (Chapter 72-210) provided that the rights of all public employees in any retirement or pension fund shall be fully protected in any consolidation or merger of governments or the transfer of functions between units of governments either at the state or local level or between state and local units, and the rights of the public employees in any retirement or pension fund or plan existing at the date of such consolidation or merger in which the employee was participating shall not be diminished or impaired or the benefits reduced.

Provisions for retirement of elective municipal officers were amended by House Bill 1823 (Chapter 72-280).

### State Administered Systems; Multi-System Acts:

House Bill 2811 (Chapter 72-282) amended Section 112.362, F. S., to permit the benefits of the surviving spouse or beneficiary of a member, who if living would have attained the age 65, to have his monthly retirement benefits recomputed in the same manner that a retired member was authorized to do. House Bill 2805 (Chapter 72-202) exempted certain state employees previously permitted to retire simultaneously under the provisions of Section 112.05, F. S., and another retirement system, but prohibited such dual retirements after November 1, 1970. Senate Bill 301 (Chapter 72-267) authorized retirement benefits for the surviving spouse of an elected official who died in office prior to the completion of ten years creditable service, but who would have completed ten years creditable service had he lived to complete his term of office, conditioned on the payment of certain additional contributions. Creditable service for a full term was also granted to officials elected under the Reapportionment Act of 1963, Chapter 63-1(X). House Bill 3199 (Chapter 72-109) requires political subdivisions receiving state grants-in-aid to pay the employer's share of social security costs from this source. Senate Bill 943 (Chapter 72-388) prohibited the enactment of any special act or general law of local application concerning any state administered retirement system or any state supported retirement system established by general law. House Bill 3648 (Chapter 72-251) authorized credit for teaching service in a

public school in Florida operated by the U. S. Government pursuant to federal law under either the Teachers' Retirement System or the Florida Retirement System upon payment of 8% of gross salary and interest.

Committee Substitute for Senate Bill 932 (Chapter 72-334) authorized the surviving spouse or other dependent of a member of any of the state administered retirement systems to pay the required contribution for any service performed by the member which could have been claimed by him to the time of his death and to use it as creditable service in the calculation of benefits. Senate Bill 1085 (Chapter 72-347) provided retirement credit for certain members of the system for a period when they receive workmen's compensation payments.

#### Florida Retirement System:

Senate Bill 144 (Chapter 72-122) added provisions for retirement by a member who completes 35 years of creditable service which may include a maximum of four years military service and attains the age 58 or, if a high risk member, completes 25 years of creditable service which may include a maximum of four years of military service and attains age 52. House Bill 4104 (Chapter 72-182) reopened the Florida Retirement System for transfer to it by members of existing retirement systems. Senate Bill 549 (Chapter 72-168) authorized employment in the Cuban Refugee Assistance Program prior to January 1, 1968 to be included in past service under the Florida Retirement System. Senate Bill

943 (Chapter 72-388) amended the definition of special risk member to include correctional agency employees whose duties involve contact with inmates and authorized appeal to the Career Service Commission when a member is denied classification in the special risk category. The act also authorized a retired member who is subsequently elected to a public office to continue to receive his retirement in addition to his compensation of the elective office without regard to the time limitations that otherwise would apply. Senate Bill 944 (Chapter 72-332) permitted the surviving spouse of a member who had at least 10 years of creditable service to repay previously refunded contributions plus interest and become eligible for monthly retirement benefits. Senate Bill 1065 (Chapter 72-340) prohibited transfer to the Florida Retirement System by a person who has previously retired under any state retirement system, and Senate Bill 1070 (Chapter 72-344) prohibited a retiree who becomes re-employed from renewing his membership or adding to his benefits.

Senate Bill 1067 (Chapter 72-342) authorized the investment of idle moneys in certain social security trust funds and the transfer of excess moneys therein to the State Retirement System Trust Funds to make up actuarial deficits therein.

The merger of the Judicial System and the creation of the elected state officers class are covered in the next paragraph.

#### Judicial Retirement System:

Committee Substitute for Senate Bill 1071 (Chapter

72-345) merged the Judicial Retirement System into the Florida Retirement System and prescribed terms for the transfer of membership, administration and assets. The act also established the "elected state officers class" in the Florida Retirement System, to include judicial officers, legislators, and certain state officers elected state-wide. State attorneys were added to the elected state officers class by Senate Bill 1319 (Chapter 72-359).

# State and County Officers and Employees Retirement System:

Retired members of SCOER were authorized to be re-employed up to 500 hours without suspension of benefits by Senate Bill 945 (Chapter 72-335). The time limit for repayment by surviving spouses of members who had 10 years service was removed by Senate Bill 928 (Chapter 72-330). Interest at 10% on a member's unpaid social security contribution is required by Senate Bill 1066 (Chapter 72-341), effective July 1, 1972.

## Teachers Retirement System:

Senate Bill 365 (Chapter 72-371) provides certain specified pensions to elderly incapacitated teachers who meet certain qualifications. Senate Bill 476 (Chapter 72-215) increases from 200 to 500 the number of hours that a retired teacher may be employed part-time without adversely affecting his benefits, and permits retired teachers to be employed by school boards. Senate 1069 (Chapter 72-343) provides increased benefits for dependent children if there is no surviving spouse.

## Highway Patrol Pension Trust Fund:

Senate Bill 946 (Chapter 72-336) reinstated the provision permitting the surviving spouse of a member who had at least 10 years service to receive benefits based on the member's contributions and to repay previously refunded contributions plus interest.

## Cross-references:

Matters relating to judicial personnel other than retirement, see COURTS.

Miscellaneous matters relating to law enforcement officers, see <u>Law Enforcement Officers</u> in CRIMINAL JUSTICE AND LAW ENFORCEMENT.

Matters relating to teachers, see <u>K-12 Personnel</u> in EDUCATION.

Summary of General Legislation, 1972 ... Florida Legislature

#### STATE GOVERNMENT

## Organization:

The 1972 Legislature approved more changes in the 1969 State Government Organization than did the two intervening sessions. Divisions were established or revised in five executive departments and in two legislative agencies.

In the executive branch the Division of Planning and Budgeting of the Department of Administration was divided into separate divisions by Committee Substitute for House Bill 3801 (Chapter 72-295) and the Division of Personnel and Retirement was divided into separate divisions by Committee Substitute for Committee Substitute for Senate Bill 1071 (Chapter 72-345). Five divisions were created in the Department of Revenue by Senate Bill 858 (Chapter 72-266). A Division of Tourism was created in the Department of Commerce by House Bill 3267 (Chapter 72-205); it assigned appropriate functions previously performed by the Development Commission. Also in the Department of Commerce, Division of Labor and Employment Opportunities, a Bureau of Apprenticeship was created by House Bill 3656 (Chapter 72-113) and a rural manpower services program was created by House Bill 4046 (Chapter 72-398). A Division of Insurance Company Regulation was created in the Department of Insurance by Senate Bill 783 (Chapter 72-173) and the Division of Insurance Regulation was renamed the Division of Insurance Consumer Services; in the

same department a Division of Risk Management was created by House Bill 3461 (Chapter 72-206). The Department of Transportation's Division of Transportation Planning was renamed Division of Planning and Programming by Senate Bill 335 (Chapter 72-186), which also transferred authority over airport licensing to the Division of Mass Transit Operations.

In the legislative branch Senate Bill 856 (Chapter 72-387) created a Division of Public Assistance Fraud in the office of Auditor General. The Auditor General was charged with investigating public assistance under Chapter 409, Florida Statutes, and with reporting the results of his investigation to the Legislative Auditing Committee, the Division of Family Planning, and others. All recipients are required to consent to inquiry of their employment and records, and the Division of Family Services must report the final disposition of actions taken by it. Senate Bill 983 (Chapter 72-178) reorganized the divisions under the Joint Legislative Management Committee, deleting reference to the Legislative Service Bureau and other divisions and providing an executive director for the Committee. The Legislative Printing Committee was merged into the Joint Legislative Management Committee.

A number of commissions were created, among them the State Officers Compensation Commission created by House Bill 184\* (Chapter 72-233); the Commission on Local Government

#### \*See PUBLIC EMPLOYMENT AND RETIREMENT

created by House Bill 2997\* (Chapter 72-44); and the Florida Condominium Commission created by Senate Bill 682 (Chapter 72-171) and House Bill 4488 (Chapter 72-401). The latter is to be composed of 18 members, 10 appointed by the Governor from the condominium industry, 4 members of the Florida Bar, and 2 members of each house of the Legislature. The Commission is to conduct an exhaustive and comprehensive study of the condominium industry and report its findings and recommendations in time for consideration by the 1973 session of the Legislature.

In other actions the Bureau on Aging was created in the Department of Health and Rehabilitative Services by Senate Bill 1273 (Chapter 72-180). The Florida Council on Teacher Education was created by Committee Substitute for House Bill 2986 (Chapter 72-161) to take the place of the Teacher Education Advisory Council; an office of early childhood development was created in the Governor's office by Committee Substitute for House Bill 2987 (Chapter 72-285); and the Advisory Council on Adult Corrections and Prison Industries was abolished by House Bill 2934 (Chapter 72-24).

The creation of "Florida House" in Washington, D. C., to serve as an educational and information center and meeting place for Floridians visiting the national capitol, was provided by Senate Bill 1286 (Chapter 72-128). A committee to operate the house was constituted a body corporate with the powers of a corporation not for profit under Florida law.

### \*See LOCAL GOVERNMENT

House Bill 3092 (Chapter 72-107) changed the Florida Law Revision Commission to a council and repealed the provision that its office must be maintained at the Law Center of the University of Florida College of Law, Gainesville.

Members of the Inter-American Cultural and Trade Center shall be appointed for four year terms, instead of three year terms, under the provisions of Senate Bill 1108 (Chapter 72-121). Senate Bill 709 (Chapter 72-157) enacted the Interstate Library Compact for Florida and authorized the establishment of interstate library districts.

The Industrial Relations Commission was reconstituted by Committee Substitute for House Bill 3165\* (Chapter 72-241). Committee Substitute for House Bill 3135 (Chapter 72-143) deleted the requirement that the chief of the Bureau of Workmen's Compensation of the Department of Commerce shall be an attorney admitted to practice in this state.

Certain vehicle traffic control systems were removed from the supervision of the Division of Electronic Data Processing of the Department of General Services by Senate Bill 1196 (Chapter 72-389).

## Agency Operations:

Senate Bill 7 (Chapter 72-6) requires adverse state audit findings to be clearly designated, and requires an official whose office has been audited to submit written explanation or rebuttal within 20 days. Instead of permissive

### \*See COMMERCE

authorization, the rebuttal is required to include statement of corrective actions taken. Senate Bill 223 (Chapter 72-311) provides that unless a member of a state or local board, commission or agency is absent from a meeting, or disqualified by a possible conflict of interest, properly disclosed, he must vote on each official decision, ruling or act taken or adopted, and a vote shall be recorded or counted for each such member present.

Senate Bill 1152 (Chapter 72-377) requires every state department or agency that promulgates public documents to print on the publication, adjacent to the agency's identification, a statement disclosing the annual cost or per copy cost of the document and a statement of purpose concerning it.

Senate Bill 347 (Chapter 72-71) authorized any department, agency or political subdivision of the state to comply with the provisions of the federal relocation assistance and real property acquisition policies of 1970 in connection with any public project in which federal funds are used.

Committee Substitute for House Bill 1204 (Chapter 72-36) authorized any state agency or political subdivision of the state to defend tort actions brought against any of its officers or employees as a result of alleged negligence arising out of and in the scope of employment, unless the act was done in bad faith or with malicious purpose, or exhibited

willful and wanton disregard of human rights, safety and property.

#### Public Funds:

Group insurance for public officers was authorized by Senate Bill 1037 (Chapter 72-338). House Bill 4305 (Chapter 72-399) authorized the Department of Administration to prepare and administer a group health insurance benefit program for all state officers and all full time state employees holding salaried positions.

The maximum per diem for all travelers, except those who presently receive a maximum of \$25.00 a day, was increased by Senate Bill 544 (Chapter 72-217) from \$17.00 per day to \$20.00 per day, or a maximum of \$25.00 per day based on the meal allowance plus actual expenses for single occupancy lodging. Meal or lodging expense included in a convention registration fee must be deducted from the reimbursement for such fee. Senate Bill 440 (Chapter 72-213) authorizes an agency head to advance the anticipated cost of travel for all travelers, and Senate Bill 743 (Chapter 72-324) requires a traveler who receives other than the most economical class of transportation, to refund the charges in excess of the rate for that class.

House Bill 4378 (Chapter 72-366), provided that the normal pay period for state employee's salaries shall be one month, but authorized the Department of Banking and Finance to issue either monthly or bi-weekly salary warrants

for agencies, as requested by the agency head and approved by the Department of Administration.

Senate Bill 1198 (Chapter 72-224), authorized temporary fund deficiency transfers to be made by the State Administration Commission with the concurrence of the Governor, instead of by the Governor with the approval of the Comptroller. Senate Bill 977 (Chapter 72-222) created the Department of Banking and Finance Regulatory Trust Fund into which moneys received from the regulatory functions of that Department are to be deposited. House Bill 4380 (Chapter 72-304) provided for 1% of the revenues collected by the examining and licensing boards to be deposited in the general revenue fund, with the other 9% to be deposited to the credit of the Department of Professional and Occupational Regulation for services rendered.

Committee Substitute for Senate Bill 12 (Chapter 72-162) authorized the deposit of public moneys in clearing accounts outside the state treasury when authorized by law. Agencies are permitted to deposit their funds in local banks in such clearing accounts for up to 40 days before transfer to the state treasury.

Certain bonds and other obligations of the Commonwealth of Puerto Rico and its political subdivisions were made legal security for public deposits and legal investments for public and private funds under provisions of Senate Bill 925 (Chapter 72-136).

Savings accounts of savings associations in which public funds are invested are made subject to the same

requirements relating to deposit and pledge of securities as those in banks, except to the extent that the accounts are insured by the United States or an agency thereof, according to Senate Bill 1261 (Chapter 72-226). Such accounts are made eligible as security for deposits to the extent they are so insured. Banks depositing guaranteed student loans or small business administration loans as security for deposit of public funds are authorized to retain possession of such securities under House Bill 2973 (Chapter 72-361).

## Public Buildings and Property:

Space in buildings owned or leased by the state or its political subdivisions may be leased to credit unions whose members are employees of the state or political subdivisions thereof, under the authority of Committee Substitute for House Bill 1528 (Chapter 72-140).

Senate Bill 318 (Chapter 72-27) provided that the state or any county or municipality may require that bids submitted for construction or improvement of public buildings be accompanied by evidence that the bidder holds an appropriate certificate of registration issued under the construction industry licensing law. However, House Bill 3279 (Chapter 72-130) provided that in such bidding a contractor may not be required to submit an audit or inspection of any federal income tax returns as a precedent to bidding, either on the construction of a public work or supplying of materials, labor, equipment, or services or any combination thereof. Penalty is provided for violation.

Apprentice to journeyman ratios to be adhered to on all public building contracts in excess of \$25,000 are specified by House Bill 3656 (Chapter 72-113), which prescribes the required contract clauses and the duties of contractors resulting from this requirement. The requirements for public buildings to afford facilities for the physically handicapped were revised by Committee Substitute for House Bills 2679, 2870 and 3019 (Chapter 72-281). Implementation is by the Department of General Services.

Operation of aircraft in the state executive pool is regulated by House Bill 3728 (Chapter 72-207). Under Senate Bill 860 (Chapter 72-192) the Department of Banking and Finance is given the discretion to withhold from sale any abandoned property that the Department deems to be of benefit to the people of the state.

#### Capitol Center:

House Bill 3936 (Chapter 72-13) created the Capitol Center Planning District to be governed by a seven member planning commission within the Department of General Services. The commission was granted the sole planning and zoning authority within the district and is given final approval of the long-range plan for developments within the Capitol Center.

Senate Bill 620 (Chapter 72-14) directed the Department of General Services to acquire by eminent domain certain described real property adjacent to the Capitol in Tallahassee

and appropriated from general revenue sufficient sums to carry out the purpose of the act.

Senate Bill 311 (Chapter 72-124) authorized the Department of General Services to assess uniformly applicable fees on all reserved parking places in or around the Capitol Center and other state owned facilities in the state and to remove or tow away vehicles wrongfully parked in assigned or reserved parking areas.

## State Insignia:

Senate Bill 220 (Chapter 72-123) authorized the Department of State to make presentations of state flags and ceremonial materials and to buy and sell state flags and related materials. Senate Bill 1107 (Chapter 72-376) prescribed an official seal and coat of arms for the State Senate.

Summary of General Legislation, 1972 .. Florida Legislature

#### TAXATION; REVENUE SHARING

Emphasis of tax enactments by the 1972 Legislature was on revenues for municipal and county governments. Significant adjustments were made in state revenue taxes. The effort to perfect the state's ad valorem property tax laws continued.

#### STATE REVENUE TAXES:

## Corporate Income and Fees:

House Bill 4323 (Chapter 72-278) enacted revisions in Chapter 220, F. S., the corporate income tax law, including references to the Internal Revenue Code (generally and relative to life insurance companies and corporations electing under Section 1372 of the Code) and the file date for DISC returns. The exclusion from income of interest derived from obligations of the State of Florida and its political subdivisions and the subtraction of income from U. S. Government obligations were deleted. Special provisions relating to bank taxation included imposition of a franchise tax equal to 5% of a bank's adjusted federal income as defined, less \$5,000. Authorized methods of accounting were extended to include the completed contract method. The act is retroactive to January 1, 1972. Senate Bill 605 (Chapter 72-153) granted banks and other financial institutions chartered under Florida law the same immunity from state

and local taxation that federally chartered institutions have under federal law. Senate Bill 634 (Chapter 72-218) renamed the corporate privilege tax imposed by Chapter 608, Florida Statutes, as the annual report filing fee.

## Intangible Tax:

House Bill 3727 (Chapter 72-277) excluded the net collections from the intangible tax assessed as of January 1, 1972, from the 55% county split, so that the entire amount for that year will be deposited in the General Revenue Fund. The act provides for quarterly distributions (but Senate Bill 2-F, the Revenue Sharing Act, also amends this section). Discount dates are modified to authorize 4% through April, 2% in May and no discount thereafter.

## Other State Taxes:

Household fuels were exempt from the sales tax by Committee Substitute for House Bill 3141 (Chapter 72-289). Middle and high school and community college athletic events were exempt from the admissions tax by Senate Bill 768 (Chapter 72-220). Senate Bill 1020 (Chapter 72-159) authorized a civil penalty up to \$1,000 in lieu of suspension or revocation of permits for violations of the cigarette tax law by dealers. House Bill 3178 (Chapter 72-42) restricted the \$1,000 additional fee for beverage vendors who have more than three separate locations serving beverages for consumption on the premises by restricting the provisions to apply to only permanent locations accessible to the public. The extensive revisions in the beverage law and the pari-mutuel changes are covered in the Article on BUSINESS REGULATIONS. Changes concerning motor vehicle titles and plates and drivers licenses are covered in the Article on MOTOR VEHICLES.

Purchases of special fuel by duly licensed dealers engaged in interstate travel or licensed common carriers were exempted from the motor fuel tax by Senate Bill 319 (Chapter 72-87) when the use of the fuel on the highways of another state is substantiated by proper records. Distributor reports of motor fuel sales are required by the 20th of the following month instead of the 25th under Senate Bill 1164 (Chapter 72-65) effective March 16, 1972.

Procedures for investigations and examinations of the books and records of persons subject to the gross receipts tax on copyrighted musical compositions were prescribed by Committee Substitute for House Bill 2875 (Chapter 72-237). The licensing of public performance of such compositions under the terms of a federal anti-trust judgment was excluded from all provisions of Chapter 543, F. S., except Section 543.28, pertaining to the gross receipts tax and its enforcement by the Department of Banking and Finance. LOCAL GOVERNMENT TAX MEASURES:

Senate Bill 2-F (Chapter 72-360), replacing Committee Substitute for House Bill 4375 that failed of passage by a final vote, is entitled the Revenue Sharing Act of 1972, and establishes the revenue sharing trust fund for counties and the revenue sharing trust fund for municipalities (Section 218.24), with monthly distributions and administration by the Department of Revenue (Section 218.26). Eligibility of counties is determined by standards of financial reporting and police officers pay (Section 218.22) and distribution among counties is determined by a formula of three equal factors, population, unincorporated area population, and

sales tax collections, with a 1971-72 fiscal year minimum (Section 218.22). Moneys for the county fund are derived from one cent of cigarette tax (Section 8), county portion of the road tax (Section 15) and the 55% split of intangible taxes for 1973 and thereafter (Section 18). Municipal eligibility is based on minimum three mill ad valorem levy or equivalent, police officers pay, and financial reporting and auditing requirements. Municipal distribution is determined by a formula containing elements of population, sales tax collection, and ad valorem assessment (Section 218.23). Moneys for the municipal fund are derived from ll¢ of the cigarette tax (Section 8), all of 8th cent motor fuel tax (Section 16), and the municipal share of road tax (Section 15). Proceeds of mobile home tags (from which recreational vehicles were split by Senate Bill 1051 (Chapter 72-339)) were reallocated, the state share being reduced to \$1.50 with one-half of the remainder divided by the cities and counties according to mobile home location (Section 17). Appropriations include \$39,000,000 from the county fund and \$132,300,000 from the municipal fund. Municipal cigarette taxes and local law tax limits are repealed. Police incentive pay plan is substituted for present police MFP. The act is effective July 1, 1972, and Sections 218.20-218.26 expire July 1, 1973.

Two additional revenue measures of major importance to local governments were enacted by the 1972 Legislature. House Bill 4465 (Chapter 72-306) repealed present provisions of Chapter 205, Florida Statutes, for state and county

occupational licenses (all provisions of Chapter 205 except four exemption sections) and instead enacted provisions authorizing counties and municipalities to impose occupational license taxes by appropriate resolution or ordinance adopted after public notice and filed with the Department of Revenue. The taxes must be based upon reasonable classifications and be uniform throughout any classes. The rate shall not be greater than that provided by Chapter 205 for the year beginning October 1, 1971. County revenues must be shared with incorporated municipalities in the county in ratio to respective populations. Licenses issued under present Chapter 205 are effective until October 1, 1972, and this act will expire September 30, 1973. House Bill 3274 (Chapter 72-384) authorized any county, in the discretion of the local governing body and subject to referendum, to impose an additional one cent per gallon tax on motor fuel and special fuel sold therein to be levied and collected in the same manner as the gas taxes under Chapter 206, F. S. The proceeds are to be returned to the county where collected for the purpose of paying the costs and expenses of establishing, operating, and maintaining a transportation system, which is recognized as fulfilling a county purpose for which any county funds or other authorized funds may be spent.

AD VALOREM PROPERTY TAXES:

## General:

Committee Substitute for House Bill 3041 (Chapter 72-288) amended Section 192.012, Florida Statutes, to provide that in determining the level of assessment of

property in the state in 1972 and 1973 the Auditor General shall make his determination on the basis of non-exempt real property only and shall state separately the value of non-exempt personal property as determined by the tax assessor and the value of non-exempt real property as determined by him. House Bill 3202 (Chapter 72-290) required the tax assessor to physically inspect the property being assessed by him every three years to insure his tax roll meets all requirements of law. He must inspect any property upon request of the taxpayer or owner but may adjust assessed values on the basis of mass data or on authorized ratio studies. State and local governmental property and public road rights-of-way and borrow pits were excluded from the requirement for annual exemption applications by this act and by Senate Bill 1155 (Chapter 72-276).

Agricultural classification of land by the county assessor, with appeal to the county commission as a board of tax adjustment, is provided by House Bill 3772 (Chapter 72-181). Factors to be considered by the assessor both in granting and in withdrawing the agricultural classification are prescribed.

Senate Bill 1197 (Chapter 72-349) repealed the provision for ad valorem taxes to be paid by the State on the value of state prison farm lands in Bradford County and the provision for a \$20,000 annual payment in lieu of taxes on Camp Blanding in Clay County.

Provisions concerning suits by taxpayers to contest a tax assessment were revised by Committee Substitute for

House Bill 3012 (Chapter 72-239). An annual penalty of 10% of the deficiency is authorized for cases in which the court finds that the amount of tax which the taxpayer admitted to be owing was grossly disproportionate to the amount of tax found to be due and that the taxpayer's admission was not made in good faith.

## Homestead Exemption:

House Bill 4482 (Chapter 72-367) amended the definition of totally and permanently disabled persons for ad valorem tax exemption purposes to include persons so certified by two licensed physicians of this state. The act also extended the filing date for homestead exemptions and exemptions for permanently and totally disabled veterans, veterans confined to wheel chairs and quadriplegics to June 1, 1972, for the current In succeeding years the filing date will revert to year. April 1. Senate Bill 513 (Chapter 72-372) authorized applications for the additional homestead exemption from school taxes, of residents for five years who are 65 years of age or older, to be made in person or by mail and makes affidavit of residency prima facie proof thereof. The report of revenues lost by this exemption must be made by tax assessors not later than October 1 each year under Senate Bill 630 (Chapter 72-373) which extended from 1972 to 1973 the statement that at each regular session the legislature will appropriate equal school funds to replace those lost by this exemption. All provisions of Chapter 197, F. S., providing for tax collections, delinquencies, tax receipts, tax sale certificates and related

matters were revised by Committee Substitute for House Bill 2640 (Chapter 72-268), which becomes effective December 31, 1972. Extensive staff notes accompany the typed bill.

# Municipal Taxes:

Committee Substitute for Senate Bill 3 (Chapter 72-368) makes a copy of the county tax roll pertaining to a municipality available to it upon request to the county assessor. Cities must be notified of tax adjustment hearings and be given opportunity to be heard. Municipal revenues are to be paid over to cities by the tax collector on the first and fifteenth of each month or oftener if agreed on. The provision requiring cities and counties to contract on the compensation for the assessor's and collector's services was repealed.

Summary of General Legislation, 1972 . . . . Florida Legislature

#### TRANSPORTATION

Three acts changed the fiscal operation of the Department of Transportation. Senate Bill 1165 (Chapter 72-66) provided that cash on deposit with the treasury and reimbursements due from the federal government should be included in the available cash balance to be maintained in the state road fund. Senate Bill 1166 (Chapter 72-67) created a working capital trust fund to be maintained in the amount deemed necessary by the department and approved by the Department of Administration for the efficient operation of the Department of Transportation. All expenditures are to be made by the department from the working capital trust fund and are to be reimbursed the following month from the appropriate trust fund. The act also provides that the use of unexpended trust funds shall not delay or impair the project of any county contributing to the fund.

Senate Bill 390 (Chapter 72-64) revised the provisions relative to the Highway Secondary Trust Fund, under which the Department of Transportation is authorized to issue and hold fuel tax anticipation certificates for a county, with no bonding involved, to be repaid within a period of five years and to bear interest at the average monthly interest rate that other invested secondary trust

funds earn. Proceeds of the tax anticipation certificates may be used for any approved project's design, construction, right-of-way and other costs. The population classification limitations on a county's issuance contained in the present law are deleted, and instead the certificates are limited to 75% of the amount of funds which are estimated to accrue to the county during the life of the certificates. Despite this authority the department is required to maintain in the trust fund sufficient moneys to assure the completion, and prevent the delay, of any county's secondary fund project, and in no event to maintain less than \$5 million not invested in tax anticipation certificates.

Senate Bill 846 (Chapter 72-328) requires the Department of Transportation to develop and adopt uniform minimum standards and criteria for the design, construction and maintenance of all public ways used for vehicular and pedestrian traffic, and authorizes the Secretary to appoint in each road district an advisory committee composed of city and county engineers. Senate Bill 566 (Chapter 72-189) extended the time for compliance with uniform standards of traffic control signals or devices purchased prior to 1972. House Bill 3316 (Chapter 72-385) created an alternative method of establishing special road and bridge districts.

Senate Bill 367 (Chapter 72-50) repealed the restrictions on the reclassification of roads in the state highway system, but requires that a hearing be held in a county before a primary road therein may be reclassified.

Senate Bill 330 (Chapter 72-88) amended the Department of Transportation's authority with respect to supplemental agreements. Provisions concerning change orders were omitted. Supplemental agreements were authorized to exceed the physical limits of the project to meet field conditions, to provide a safe and functional connection to an existing pavement, or to make the project functionally operational in accordance with the intent of the original contract, but such agreements were limited, on contracts in excess of \$100,000, by a maximum of 10% of the original contract price. The length and width of temporary connections affected by a supplemental agreement are to be established in accordance with current engineering practice. Agreements in violation of this act are null and void, and no money may be paid under them.

Regulatory authority over all public railroad crossings in the state was granted to the Department of Transportation by Committee Substitute for Senate Bill 366 (Chapter 72-165). This includes authority to issue a permit for the opening and closing of such crossings, regulation of the speed limits of railroad traffic, and the expenditures of money available for the construction cost of projects for the elimination of hazards of railroad-highway crossings. The department is given exclusive authority to require the installation of and approve the design of automatic flashing light signals and ringing bells at railway-highway crossings. Provision is made for due notice and public hearing on these matters. Local governments retain the authority to pass

ordinances relating to the blocking of crossings.

House Bill 1467 (Chapter 72-38) requires expressway authorities, transportation and mass transit authorities to submit to the Department of Transportation the overall design and construction plans of any proposed transportation facility, prior to the beginning of construction, in order that the facility may be correlated with, or incorporated into, the existing state transportation system. A transportation facility which will require maintenance by department personnel, or will use gas tax funds, must be approved. If no designation is made by the department within 90 days after submission, plans automatically become effective.

Relocation assistance payments were authorized for all state and local agencies in acquiring land for federallyaided projects by Senate Bill 347 (Chapter 72-71), while House Bill 3910 (Chapter 72-208) authorized the Department of Transportation to expend gas tax revenues and other available funds for this purpose on nonfederal projects, but subject to the same limitations as the federal law.

Several changes may affect local transportation finance. The authority for city cigarette taxes and bonds pledging same, frequently used for city street improvement projects, was repealed by Senate Bill 2-F<sup>\*</sup> (Chapter 72-360). Although the act prohibited further municipal cigarette taxes, it pledged the payment of bonds already outstanding and increased substantially the state funds to be allotted to eligible cities. This act also allotted to municipalities the entire net proceeds from the eighth cent gas tax. \*See TAXATION; REVENUE SHARING

House Bill 3274 (Chapter 72-384) declared the establishment, operation and maintenance of a transportation system to be a valid county purpose, on which any available funds may be spent. Counties were authorized to impose an additional one cent gas tax for this purpose, subject to county referendum. Also, an additional encouragement to local transit systems was provided by House Bill 2092 (Chapter 72-105), which authorized local transit buses, public and private, to carry X-series license plates.

Senate Concurrent Resolution 657 ratifies the agreement of January 27, 1972, between the Governor of Florida and the Federal Highway Administration as to the control of outdoor advertising in areas adjacent to the national and interstate highway and defense highway systems. House Bill 3756 (Chapter 72-274) deleted the specific spacing requirements of service and attraction signs contained in Section 479.02, Florida Statutes, and made the spacing subject to current federal regulations.

The Department of Transportation was given authority temporarily to repair any road structures in the statemaintained transportation system in an emergency threatening damage to life or property, notwithstanding the requirements for hearings and surveys applicable to other dredge and fill situations, provided notice is given to the executive director of the Trustees of the Internal Improvement Trust Fund, according to Senate Bill 332 (Chapter 72-89).

The regulation of air carriers within the state of Florida for the purpose of establishing low cost, high

volume air transportation between the major areas of the state is provided by Committee Substitute for Senate Bill 965 (Chapter 72-374). Certificates of public convenience and necessity issued by the Public Service Commission are required for air carriage subject to the act.

Senate Bill 978 (Chapter 72-184) created the Pinellas County Transportation Authority empowered to adopt and implement an urban area transportation plan and system within Pinellas County in cooperation with the Board of County Commissioners and the Department of Transportation. All forms of transportation are included. FLORIDA STATE LEGISLATIVE SYSTEM

# STATISTICS 1972 REGULAR SESSION

February 1 - April 7

Length of Session in Days: 67 Days

LEGISLATION INTRODUCED	HOUSE	SENATE	TOTAL
General Bills	1,823	1,073	2,896
Joint Resolutions	47	34	81
Local or Limited Application Bills	275	144	419
Concurrent Resolutions	38	24	62
Resolutions	19	29	48
Memorials	19	17	36
Withdrawn Prior Introduction	31	1	32
TOTAL	2,252	1,322	3,574
LEGISLATION PASSED BOTH HOUSES			
General Bills	214	222	436
Joint Resolutions	4	2	6
Local or Limited Application Bills	189	103	292
Concurrent Resolutions	10	15	25
Resolutions	0	0	0
Memorials	0	2	2
TOTAL	417	344	761
APPROVED BY GOVERNOR	396	321	717
VETOED BY GOVERNOR	7	3	10
MEASURES INTRODUCED:		-	20
(Regular Sessions)19631965General2,1932,358Local1,7712,107TOTAL3,9644,465	3.410 2 797		$\begin{array}{rrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrr$

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