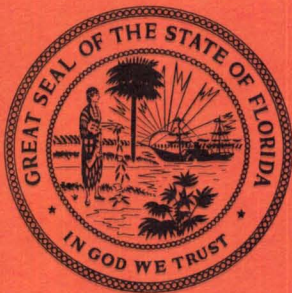


JOINT LEGISLATIVE  
MANAGEMENT COMMITTEE  
OF THE  
FLORIDA LEGISLATURE

SUMMARY OF  
GENERAL LEGISLATION  
1973

F. S. U. LAW LIBRARY



REGULAR SESSION  
APRIL 3 - JUNE 6, 1973

TALLAHASSEE  
AUGUST 1973

LAW  
KFF  
15  
L45  
1973

Florida State University  
LAW LIBRARY  
Tallahassee, Florida 32306



THE FLORIDA LEGISLATURE  
JOINT LEGISLATIVE MANAGEMENT COMMITTEE

THOMAS L. WADE, III, EXECUTIVE DIRECTOR

REPRESENTATIVE JOHN L. RYALS, *Chairman*  
REPRESENTATIVE MURRAY H. DUBBIN  
REPRESENTATIVE JIM K. TILLMAN  
SENATOR DEMPSEY J. BARRON  
SENATOR GEORGE FIRESTONE  
SENATOR DAVID C. LANE

ROOM 15, HOLLAND BUILDING  
TALLAHASSEE, FLORIDA 32304  
TELEPHONE (904) 488-4173

August 31, 1973

Honorable Mallory E. Horne  
President, and Members of  
the Senate

Honorable Terrell Sessums  
Speaker, and Members of  
the House of Representatives

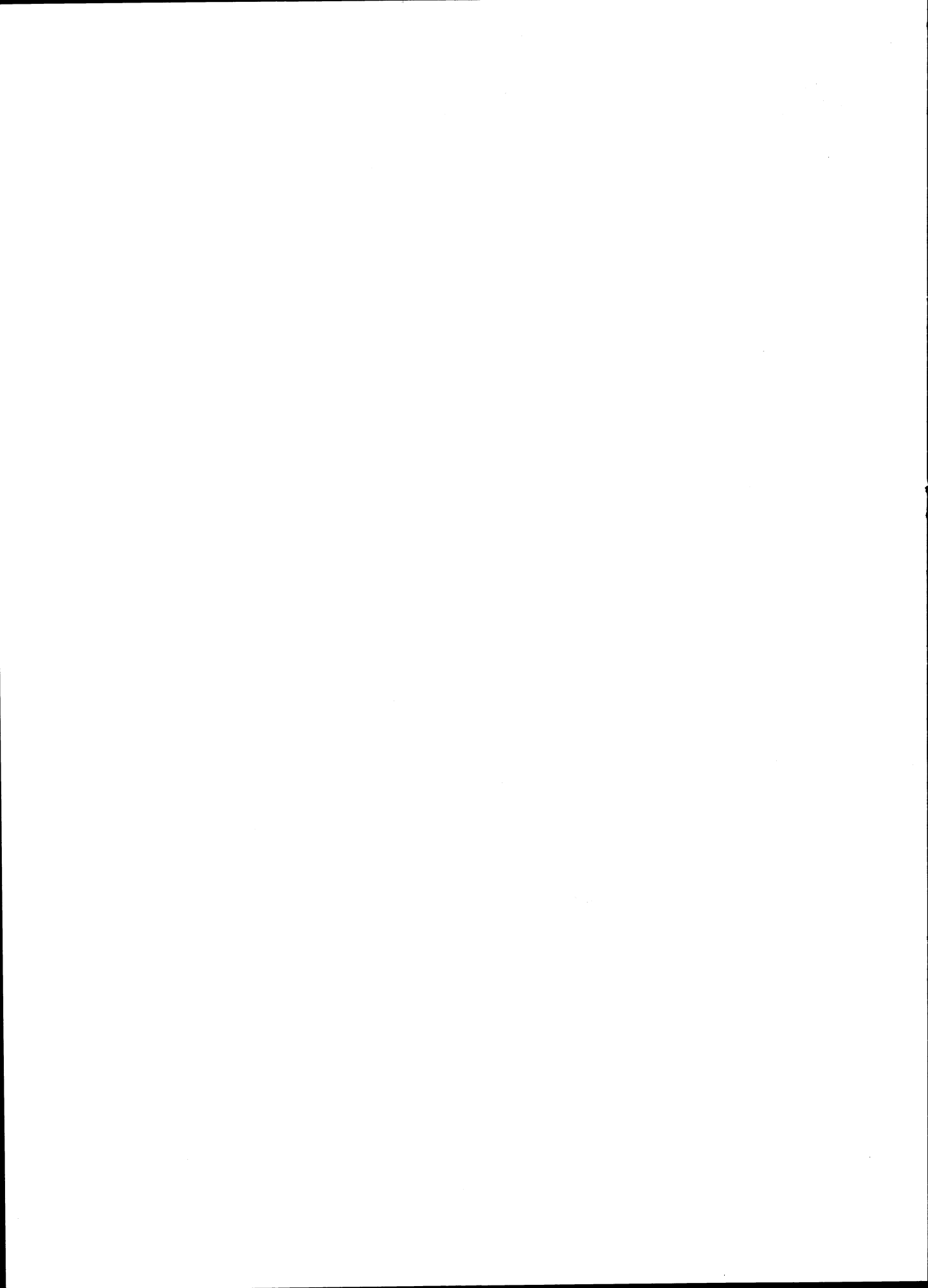
Gentlemen:

I am pleased to furnish you herewith the Summary of General Legislation, 1973, prepared under the supervision and coordination of the Division of Legislative Library Services, with the assistance of members of the legislative staff.

I am sure you will be impressed with the work of our recent session as reflected in these articles and believe you will find them helpful in reporting on it.

Yours very truly,

  
John L. Ryals, Chairman  
Joint Legislative Management Committee





# THE FLORIDA LEGISLATURE

## JOINT LEGISLATIVE MANAGEMENT COMMITTEE

THOMAS L. WADE, III, EXECUTIVE DIRECTOR

DIVISION OF  
LEGISLATIVE LIBRARY SERVICES

DAVID V. KERNS, DIRECTOR  
B. GENE BAKER, CHIEF LIBRARIAN

August 20, 1973

ROOM 2, HOLLAND BUILDING  
TALLAHASSEE, FLORIDA 32304  
TELEPHONE (904) 488-2812  
488-2812

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

Dear Tom:

I am pleased to transmit herewith the completed Summary of General Legislation 1973, in which the enactments of the 1973 Regular Session are discussed under major topics and sub-groupings. The earlier Preliminary Summaries have been entirely revised and updated.

The 1973 Session was equally as distinguished as its recent predecessors in both the quality and quantity of legislation considered. Action on legislation was completed in several major areas - notably, school finance and ad valorem taxation, campaign financing, deceptive trade practices, landlord and tenant, and others. Consideration was begun in other significant areas, among them criminal code revision and the probate code; although enactment was held up pending further study in the interim, major enactments in the next session are indicated. In sum, the achievements of the 1972-74 Legislature through its first regular session foretell a progressive, diligent, and productive biennium, adding further lustre to the nationally outstanding record of Florida's legislative body.

The assistance of the following persons in the preparation of articles in gratefully acknowledged: Martha A. Bass, Jane Harris and Hal R. Shanks, Senate Legislative Services, for the articles on Criminal Justice, State Government and Local Government, respectively; James R. Lowe, Canter Brown, and Dr. Arthur L. Cunkle, House Drafting Service, for the articles on Elections, Health & Rehabilitative Services, and Taxation and Revenue Sharing and part of Education, respectively; Huey Ray, Senate Commerce Committee, for assistance with the article on Insurance; Fred Waldinger, Senate Natural Resources Committee, for assistance with the article on Conservation and Natural Resources, Flo Rafnel, Legislative Information Service, for bill selection.

Respectfully,

David V. Kerns, Director  
Legislative Library Services

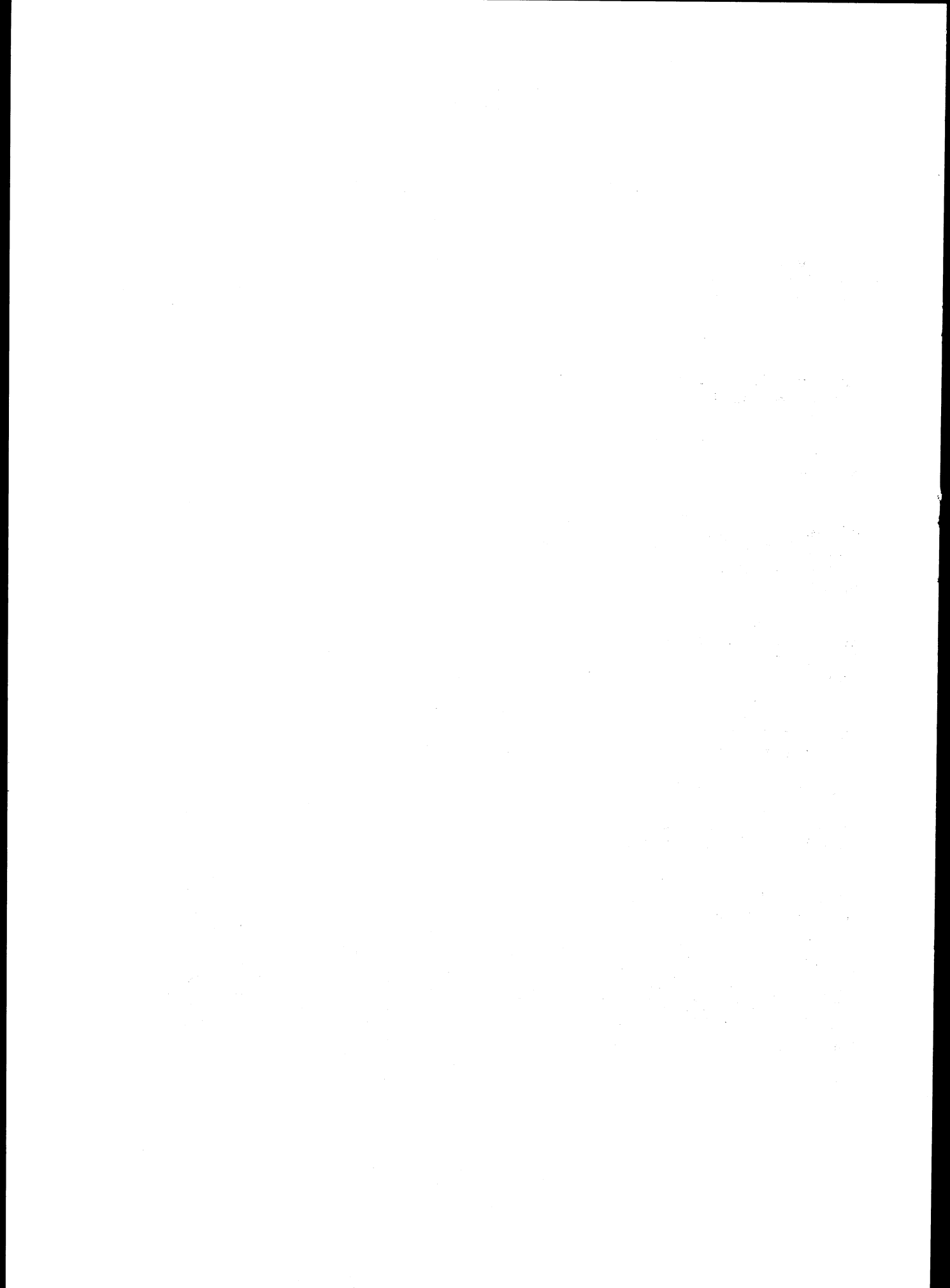


TABLE OF CONTENTS

Agriculture and Citrus . . . . .	1
Appropriations . . . . .	9
Civil Law, Actions and Procedures . . . . .	15
Commerce; Regulation of Businesses, Professions and Occupations . . . . .	27
Conservation and Natural Resources . . . . .	55
Constitutional Amendments . . . . .	69
Criminal Justice . . . . .	71
Education . . . . .	87
Elections . . . . .	97
Health and Rehabilitative Services . . . . .	103
Insurance . . . . .	115
Legislature (including Statistics) . . . . .	121
Local Government . . . . .	125
Motor Vehicles and Transportation . . . . .	145
State Government . . . . .	153
Taxation and Revenue Sharing . . . . .	183

THE JOURNAL OF THE  
ROYAL ANTHROPOLOGICAL INSTITUTE

THE JOURNAL OF THE  
ROYAL ANTHROPOLOGICAL INSTITUTE

THE JOURNAL OF THE  
ROYAL ANTHROPOLOGICAL INSTITUTE

THE JOURNAL OF THE  
ROYAL ANTHROPOLOGICAL INSTITUTE

AGRICULTURE AND CITRUS

Agriculture

The 1973 Legislature enacted several laws providing higher standards for the processing of foods. House Bill 801 (Chapter 73-81) provided definitions for eggs and egg products and required the advertising and marketing of same to show the grading and standards to which the eggs or their products conform. However, egg inspection fees were repealed by House Bill 39 (Chapter 73-341).

House Bill 1896 (Chapter 73-357) required a state permit for milk fat testers and made milk fat testing without a permit unlawful. Dry curd cottage cheese and low fat cottage cheese were defined by House Bill 1895 (Chapter 73-356) and the butterfat labeling of milk and milk products was made subject to Department rule. The effective date is January 1, 1975.

Custom meat slaughterers or processors are required by House Bill 1304 (Chapter 73-56) to obtain a permit before engaging in business. They are required to operate under the supervision of the Department of Agriculture and Consumer Services and to maintain a

proper sanitary condition whereby meats shall be produced in a wholesome manner.

House Bill 1053 (Chapter 73-318) added the inspection of frozen desserts to the presently authorized inspection of frozen dessert plants. The issuance of stop orders on frozen desserts sold or offered for sale in violation of the law or regulations issued thereunder was authorized. Food products which resemble frozen desserts but do not conform to the definition of them were placed under the same inspection and regulation as frozen desserts by House Bill 1052 (Chapter 73-317). They are required to be labeled distinctively from frozen desserts and to have an accurate ingredient legend on the label.

The requirement that beef raised, produced and slaughtered in this state be marked, stamped or described by packers, retailers and restaurants selling same as "produced in Florida" or "Florida beef", as contained in Sections 534.43-.46, F. S., was repealed by Senate Bill 539 (Chapter 73-32).

Senate Bill 355 (Chapter 73-63) extensively revised the definitions for pesticides, to conform with federal definitions, and revised the standards by which pesticides are deemed misbranded. The formulation,

display, distribution, storage and disposal of pesticides that endanger man and his environment or have an unreasonable adverse effect on the environment were strictly limited. The Department of Agriculture and Consumer Services by rule is to determine the pesticides and the quantities of substances in pesticides which are injurious to the environment and is to be guided by the environmental protection regulations in so doing. Authority to enter stop orders and similar enforcement measures was extended to pesticide devices.

Committee Substitute for Senate Bill 881 (Chapter 73-77) adopted the Florida Avocado and Lime Sales Law under which the buyer or receiver of avocados or limes in quantities of 55 pounds or more is required to demand a documentation of every transaction and the identification of the seller or handler by driver's license number or similar means and to retain the documentation for not less than one year from the date of the transaction. If this provision is violated an inspector is required to confiscate any avocados or limes in the possession of the violator, and the willful violation is made a misdemeanor of the second degree.

A market where livestock is assembled and sold at

public auction or on a commission basis is required to be licensed by the Department of Agriculture and Consumer Services under the provisions of Senate Bill 354 (Chapter 73-40). An annual license is issued for a \$100 fee which goes to the general inspection trust fund. Under the act, livestock shall be paid for on the day of sale and the livestock market can accept payment only in the form of cash, check or draft. No loans may be made from the custodial account of a livestock market to a livestock buyer. Dishonored checks or drafts must be reported to the Department within 24 hours. Markets are required to maintain the records necessary for the proper administration and enforcement of the act. Penalties are prescribed for violation of the act.

Committee Substitute for House Bill 1532 (Chapter 73-248) required each county to enter into agreements with the Division of Forestry for countywide fire protection of forests and wild lands, with the county being assessed 3¢ per acre thereof. House Bill 206 (Chapter 73-243) authorized the Division to make agreements for federal assistance under the Rural Community Fire Protection Program (P.L. 92-419), and authorized participating counties or fire departments to contribute to the

non-federal matching share and to give such other cooperation as deemed necessary by the Division of Forestry.

House Bill 787 (Chapter 73-269) appropriated \$12,000 from the general revenue fund as compensation for destruction of diseased honeybees at one-half appraised value, but not more than \$12 per colony. Senate Bill 326 (Chapter 73-18) appropriated \$128,000 from the general inspection trust fund for the construction of the Port Everglades laboratory testing facility in Broward County.

#### Citrus

The additional 4¢ per box equalizing excise tax on imported citrus was made applicable to imported grapefruit juice products and segments by Senate Bill 338 (Chapter 73-29). Senate Bill 335 (Chapter 73-14) made clear that tangerines are not excluded from the additional 2¢ per box excise tax on citrus fruit (one-half of which is available for fresh fruit brand advertising refunds). Senate Bill 339 (Chapter 73-16) repealed Section 601.153, F. S., which provided an excise tax on processed orange products and which expired several years ago.

The citrus harvesting research and development fund was created by House Bill 646 (Chapter 73-219) to

be expended by the Department of Citrus in a research and development program for the elimination or reduction of economic waste in citrus fruit harvesting and handling. The fund is to be financed by an additional excise tax of 1¢ per standard packed box of citrus fruit taxed under Section 601.15, F. S. The tax is imposed for three years commencing September 1, 1973, but may be suspended or reimposed by the Citrus Commission for any year up to and including the year commencing September 1, 1978. Moneys may also be transferred from or to the Citrus Advertising Trust Fund. An advisory committee is created to consist of not more than seven citrus growers, not members of the Commission. In carrying out its research the Commission is authorized to provide suitable facilities and equipment, use citrus groves, crops, hire personnel and enter into contracts as necessary. Protection for the state's patent interests are provided.

A number of acts dealt with the operations of citrus fruit dealers. Senate Bill 341 (Chapter 73-17) authorized the Citrus Commission to impose reasonable conditions on the issuance of a license, to approve the granting of a temporary license for not to exceed 60 days during a season, and to disapprove an application upon

failure of an applicant to comply with an order relating to the citrus fruit laws or the Citrus Commission regulations. House Bill 396 (Chapter 73-12) authorized licenses to be renewed before June 30 without becoming delinquent and limited applications to one per applicant per season. House Bill 399 (Chapter 73-13) excluded from the term "citrus fruit dealer" persons or firms trading solely in citrus futures contracts on a regulated commodity exchange.

Senate Bill 334 (Chapter 73-199) required a citrus fruit dealer to increase his bond if he should handle more fruit than his bond then covers. Fruit exempt from being considered by the bonding requirement was made subject to rules of the Department of Citrus; and fruit handled by a corporation or partnership for itself or its officers or subsidiary, and canned, concentrated or otherwise processed products, were added to the exemption. No claim against a bond may be accepted for such exempt fruit. The time for filing claims against a bond was extended to May 1 of the year following a shipping season. Notices in hearing procedures, upon disapproval of a citrus dealer's license application, were established by Senate Bill 343 (Chapter 73-250). Upon review, the Commission may affirm its disapproval, which may then be reviewed by certiorari in

the circuit court of Polk County, or the Commission may approve or may approve subject to conditions.

House Bill 393 (Chapter 73-11) authorized the Department of Citrus to permit a shipment, in lieu of being accompanied by a certificate of inspection and maturity, to show the fact of such inspection by appropriate means on the manifest or bill of lading covering such shipment. Shipments in bulk are required to be reinspected and certified after repacking, but only one inspection fee is to be paid by the shipper. The sale, transport, or delivering of citrus fruit which is immature or otherwise unfit for human consumption was made unlawful.

Section 601.071, F. S., which provided for the creation and operation of the Florida Citrus Museum, was repealed by Senate Bill 337 (Chapter 73-15).

### APPROPRIATIONS

Appropriations by the 1973 Session exceeded \$4,268 million, composed of \$2,124 million from the General Revenue Fund, \$2,026 million from trust funds and an anticipated \$117.5 million of federal revenue sharing funds (see top, next page). A large unencumbered balance in the General Revenue Fund was used principally for non-recurring expenditures, while the recurring appropriations (bottom, next page) were held close to estimated revenue collections (bottom, page 12).

State revenue sharing with cities and counties was continued and enlarged; see discussion in the article TAXATION AND REVENUE SHARING. As to the creation of the Federal Revenue Sharing Fund and a change in the Working Capital Fund, see the Funds and Obligations section of STATE GOVERNMENT.

The tables appearing in this article are taken with permission from the report of the Senate Ways and Means Committee entitled FISCAL ANALYSIS IN BRIEF Based on 1973 Passed Legislation. Reference should be made to this report for further detail, especially to the very helpful "narrative comments" (Exhibit C).

SUMMARY OF 1973 APPROPRIATIONS

	<u>General Revenue Fund</u>	<u>Federal Revenue Sharing</u>	<u>Trust Funds</u>	<u>Total</u>
	\$	\$	\$	\$
Schedule II, General Appropriations Bill	2,105,430,254	117,500,000	1,704,369,863	3,927,300,117
Schedule III, All Other Appropriations Bills	<u>14,804,695</u>	<u>-0-</u>	<u>322,013,908</u>	<u>336,818,603</u>
Grand Total - Appropriations	2,120,234,949	117,500,000	2,026,383,771	4,264,118,720
Statutory Requirements - Tax Collection Refunds and Other (Estimated)	<u>4,300,000</u>	<u>-0-</u>	<u>-0-</u>	<u>4,300,000</u>
Total	<u><u>2,124,534,949</u></u>	<u><u>117,500,000</u></u>	<u><u>2,026,383,771</u></u>	<u><u>4,268,418,720</u></u>

<u>General Revenue Funds and Federal Revenue Sharing</u>				
<u>Major Program</u>	<u>All 1973-74 Appropriations Bills</u>		<u>Recurring 1973-74 Appropriations</u>	
	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>
		\$		\$
Education	54.48%	1,221,510,996	61.63%	1,221,510,996
Health and Rehabilitative Services	18.07%	405,102,408	20.44%	405,102,408
Judicial	2.48%	55,662,646	2.81%	55,662,646
All Other Agencies	8.45%	189,490,550	9.56%	189,490,550
Employee Pay Adjustments - All Agencies	.74%	16,522,620	.83%	16,522,620
Acquisition of Rights-of-Way	.67%	15,000,000	-	-
Loan - Interstate Construction	6.69%	150,000,000*	-	-
Fixed Capital Outlay	4.24%	94,945,729	-	-
School District Capital Outlay	3.99%	89,500,000	4.52%	89,500,000
Tax Refunds (Estimated)	<u>.19%</u>	<u>4,300,000</u>	<u>.21%</u>	<u>4,300,000</u>
Total	<u><u>100.00%</u></u>	<u><u>2,242,034,949</u></u>	<u><u>100.00%</u></u>	<u><u>1,982,089,220</u></u>

\* Effective immediately upon becoming law (Item 995, GAA).  
Other items in GAA effective 7-1-73.

## ALL OTHER APPROPRIATIONS BILLS

Chapter Number		General Revenue Fund \$	Trust Funds \$
73-130	Florida Energy Committee - Creation, Membership, Duties, etc.	400,000	-0-
73-131	Department of Natural Resources - Acquisition of Big Cypress area	94,000	40,000,000(a)
73-132	Judicial, Circuit Courts and Other Related Matters - Statewide Grand Juries	50,000*	-0-
73-172	Property Assessment Administration and Finance Law: Department of Administration	80,000	-0-
	Department of Revenue	-0-	1,279,064
	Assessor's Loan Fund	-0-	3,000,000
73-200	Department of State - Microfilming Capital Stock Tax Returns, etc.	32,525	-0-
73-230	Department of Health and Rehabilitative Services, Division of Youth Services - Regional Detention Services	4,000,000	-0-
73-269	Department of Agriculture and Consumer Services - Compensation for destruction of diseased honeybee colonies	12,000	-0-
73-349	Revenue Sharing - Counties and Cities (Estimated)	-0-	222,000,000
73-374	Relief -	56*	-0-
73-378	St. Augustine Historic Restoration and Preservation Commission - Cross and Sword Pageant	20,000	-0-
73-384	Governor's Council on Criminal Justice - Reimbursements	-0-	10,303
73-388	Relief	-0-	65,000
73-389	Relief	-0-	9,293
73-390	Relief	1,500*	-0-
73-391	Relief	485*	-0-
73-392	Relief	-0-	450
73-393	Relief	5,000*	-0-
73-394	Relief	-0-	20,000
73-395	Relief	-0-	1,502
73-396	Relief	-0-	296(b)
73-397	Relief	1,000*	-0-
73-18	Fixed Capital Outlay - Department of Agriculture and Consumer Services - Laboratory Testing Facilities	-0-	128,000
73-242	Fixed Capital Outlay - Department of Education - Community Colleges, Area Vocational Schools and Universities	10,000,000*	55,500,000

## Schedule III (continued)

Chapter Number		General Revenue Fund	Trust Funds
73-383	Fixed Capital Outlay - Department of Health and Rehabilitative Services, Division of Mental Retardation - Recreational Park for Handicapped	-60,000*	-0-
73-385	Fixed Capital Outlay - Department of Health and Rehabilitative Services, Division of Mental Retardation - Completion of Air Conditioning Project	48,129*	-0-
	Totals (c)	<u>14,804,695</u>	<u>322,013,908</u>

(a) Provides \$40,000,000 be allocated from bond proceeds or other funds for acquisition of environmentally endangered lands - Land Conservation Act of 1972.

(b) Estimated - \$228 plus accrued interest.

(c) Does not include relief appropriations from funds of local governmental entities.

\* Appropriations effective prior to 7-1-73, total from General Revenue - \$160,166,170, which also includes Item 995 of General Appropriations Act - \$150,000,000 for Interstate Highway Loan.

GENERAL REVENUE FUND  
REVENUE COLLECTIONS, 1972-73 and 1973-74

	Estimated 1972-73	Actual 1972-73	Estimated 1973-74
	\$	\$	\$
Sales Tax	1,027,000,000	1,041,279,000	1,140,000,000
Beverage Tax and Licenses	161,600,000	160,510,000	175,800,000
Corporation Income Tax	145,000,000	147,708,000	165,000,000
Motor Vehicle Licenses	107,300,000	108,785,000	96,200,000
All Other Sources	367,100,000	370,841,000	371,287,000
Legislative Changes	-0-	-0-	(3,787,000)*
Total Revenue Collections	<u>1,808,000,000</u>	<u>1,829,123,000</u>	<u>1,944,500,000</u>

\* Includes estimated effect of all measures affecting General Revenue Fund receipts. Does not include amount of transfer from unencumbered balance forward to Working Capital Fund \$41,456,143 to bring total in that fund to 5% of previous year's net revenue collections.

ESTIMATED FISCAL IMPACT OF  
1973 MEASURES ENACTED

Session Laws	Bill Number	Subject	1973-74 Effects		
			General Revenue	Trust	Local
			\$	\$	\$
		<u>Cigarette Tax</u>			
73-123	HB 434	Little cigars	3,000,000	-	-
		<u>Citrus</u>			
73-29	SB 338	Grapefruit imports	-	-	-
73-16	SB 339	Processed orange products	-	-	-
73-219	HB 646	Harvesting research	-	1,100,000	-
		<u>Corporate Income Tax</u>			
73-152	HB 2051	Banks and savings associations	(5,000,000)	-	-
73-321	HB 1295	Internal Revenue Code	-	-	-
73-322	HB 1376	Multistate audits	-	-	-
73-327	HB 2064	Revisor's bill	-	-	-
		<u>Financial Administration</u>			
73-196	SB 77	Working Capital Fund transfer	(40,400,000)	40,400,000	-
73-353	HB 1713	Service charges	-	-	-
73-136	HB 706	Insurance Commissioner	-	-	-
73-316	HB 1006	Federal Revenue Sharing Fund	-	-	-
73-83	HB 1072	Investment of funds	-	-	Some increase in interest earnings
		<u>Identification Cards</u>			
73-236	CS/HB 1068	ID cards	-	-	-
		<u>Local Government</u>			
73-144	HB 178	Occupational licenses	-	-	25 to 30 millions
73-349	CS/CS HB 1176	Revenue Sharing	-	-	154,000,000 cities - 68,000,000 counties
73-342	HB 81	Mobile home licenses	-	-	Some redistribution among local units
73-129	CS/HB 1020	Municipal home rule	-	-	-
		<u>Motor Carriers and Vehicles</u>			
73-284	HB 1383	GVW truck tags	300,000	-	-
73-347	HB 809	Auto road tax	-	Insignificant	-
73-197	SB 97	RV tags	(150,000)	-	-
73-198	SB 153	Tag exemption	Insignificant	-	-
73-244	HB 208	Q truck tags	(37,000)	-	-

Session Laws	Bill Number	Subject	1973-74 Effects		
			General Revenue	Trust	Local
			\$	\$	\$
		<u>Property Tax</u>			
73-340	CS/HB 2, 41 & 503	Retirement homes	-	-	Up to 60 million reduction in tax base
73-197	SB 150	Assessment of utilities	-	-	-
73-172	HB 1331	Property assessment	-	-	Improved rolls
73-332	CS/HB 1589	Delinquent collections	-	-	Fees nearly equal to costs
	HJR 1907	Constitutional amendment	-	-	-
73-201	CS/HB 209	Condominium homesteads	-	-	Insignificant reduc- tion of tax base
		<u>Regulatory Activities</u>			
73-126	CS/CS HB 124	Ambulance service	-	60,000	-
73-69	SB 662	Banks and trust companies	-	230,000	-
73-146	HB 583	Boats	-	Insignificant	-
73-192	CS/SB 835	Consumer credit	-	88,500	-
73-101	SB 531	Corporations	-	-	-
73-341	HB 39	Eggs	-	(235,000)	-
73-96	SB 177	Engineers	-	5,750	-
73-277	CS/HB 1017	Money Orders	-	10,000	-
73-209	SB 825	Mortgage brokers	-	50,000	-
73-352	HB 1555	Naturopaths	-	1,000	-
73-204	SB 560	Nursing homes	-	6,000	-
73-203	SB 519	Pharmacists	-	25,000	-
73-354	HB 1770	Physical therapists	-	7,600	-
73-276	CS/HB 1016	Retail installment sales	-	145,500	-
73-49	SB 633	Savings and loan	-	14,000	-
73-221	HB 1032	Trading stamps	-	5,500	-
		<u>Sales Tax</u>			
73-85	HB 66	Consolidated returns	-	-	-
73-240	SB 1255	Interstate commerce	-	-	-
		<u>School Finance</u>			
73-345	CS/HB 734		(1,900,000)	-	1,900,000 for schools
		TOTALS	<u>\$(44,187,000)</u>	<u>\$ 41,913,850</u>	<u>n.a.</u>

CIVIL LAW, ACTIONS AND PROCEDURES

Status of Persons

A significant action of the 1973 Legislature concerning the status of persons was passage of Senate Bill 152 (Chapter 73-21) which removed the disability of nonage for all persons 18 years of age or older. The act provides that such person shall enjoy and suffer the rights, privileges and obligations of all persons 21 years or older, except as otherwise excluded by the Constitution. The word "minor" was defined for the purposes of the Florida Statutes as including any person who has not attained the age of 18 years. Despite this action, a court may require support for a dependent beyond the age of 18 years and a crippled child shall receive benefits until age 21.

Other actions pertaining to the status of persons were Committee Substitute for House Bill 243 (Chapter 73-43) which provided that an adopted child is to be considered the natural issue of his adopting parents for purposes of inheritance, and Senate Bill 370 (Chapter 73-104) which provided that a child conceived by artificial insemination shall be legitimate if born in wedlock and both parents have consented to the method of insemination.

## Civil Procedure

An enumeration of actions that will subject a resident or nonresident to the jurisdiction of the courts of this state was enacted by Committee Substitute for House Bill 1486 (Chapter 73-179), in lieu of the provisions of Section 48.182, Florida Statutes. The act further provides for service of process on persons outside of this state in the same manner as service within this state by an officer authorized to serve process in the state where the person is served. The officer's affidavit of the time, manner and place of service may be considered by the court, along with other evidence, in determining whether service was properly made.

Section 49.011, F. S., relating to service of process by publication, was updated by House Bill 251 (Chapter 73-5) to include actions for dissolution of marriage, in lieu of divorce. Other changes to update this terminology were enacted by House Bill 2061 (Chapter 73-300).

Commiteee Substitute for House Bills 315 and 376 (Chapter 73-313) waived the doctrine of sovereign immunity with respect to public bodies in Florida, making them liable for tort claims as a private individual in

like circumstances, save punitive damages and interest prior to judgment. The conditions and limitations on which suit may be filed are discussed in the article STATE GOVERNMENT. The effective date is January 1, 1975.

Service of process on the executive director is prescribed for suits in which the Department of Revenue is a party, according to House Bill 1316 (Chapter 73-73), and thereby the Department shall be the only state agency so served.

The provision for parties to a tax suit were amended by House Bill 1320 (Chapter 73-74). The board of tax adjustment is required to be a defendant to any case contesting the assessment of any property, along with the county assessor. The public officer affected by a suit in which is contested the validity of any part of the ad valorem tax law or a regulation issued pursuant thereto may be a party plaintiff to the suit.

The procedure in trials by jury for the oral examination of prospective jurors on voir dire, by the parties and by the court, was prescribed by Committee Substitute for House Bill 1023 (Chapter 73-72). The exemption from jury duty of honorary members of the National Guard was removed by House Bill 215 (Chapter

73-158). A juror excused at his own request is entitled to no compensation, under House Bill 475 (Chapter 73-264).

The assessment of attorney's fees allowed on appeal is to be remanded to the trial court under Senate Bill 219 (Chapter 73-84). Paragraph 3.16(e) of the Florida Appellate Rules was repealed by the act.

#### Replevin

The provisions of Chapter 78, F. S., relating to replevin, having previously been invalidated for lack of notice to the defendant and opportunity for him to be heard, were replaced in 1973 by the enactment of Committee Substitute for House Bill 248 (Chapter 73-20). Under the new procedures, personal property may be replevied prior to final judgment only after a hearing on an order to show cause, issued after service on the defendant or on the property if the defendant is unavailable, unless the defendant waives his right to be notified and heard. Such waiver may be executed by the defendant by a writing signed after the service of order to show cause, or by conduct clearly showing his desire to forego his right to be heard. If justified on the basis of the plaintiff's affidavit, the court may temporarily restrain the defendant from destroying, concealing, removing, or transferring

the property, or if the plaintiff establishes by affidavit or otherwise that the defendant will violate the restraining order, the court may grant an order authorizing the clerk to issue a writ of replevin; other remedies available under the law are not precluded. The defendant may post a bond in lieu of the property. The prevailing party is entitled to judgment for the property or for the value thereof plus cost.

#### Adoption

Committee Substitute for House Bill 382 (Chapter 73-159) enacts the Florida Adoption Act, which codifies the law on all aspects of adoption. The act provides who may be adopted, who may adopt, designates an official guardian for certain minors, provides when consent is required and its effect and manner of execution, the procedure for the adoption proceedings, the procedure for obtaining a new birth record, and the effect of a judgment of adoption. The act confers power for the licensing of child welfare agencies and prescribes penalties for failure to comply with various provisions of the act. Chapter 63, F. S., and other laws being replaced are repealed.

### Domestic Relations Payments

A method for creation of depositories to receive, record and disburse payments for support, alimony and maintenance is provided by Senate Bill 1048 (Chapter 73-112).

### Property Law

Rights of dower were revised by Senate Bill 478 (Chapter 73-107), the two principal changes being the abolition of inchoate dower in real property and the extension of dower to a surviving widower the same as may be claimed by a widow. The right of a widow to elect dower in real property owned and conveyed by her husband prior to his death, and in which she has not relinquished her dower, is limited to the widows of men who die prior to the effective date of the act - October 1, 1973.

Statutory short forms of acknowledgment have been supplied by Senate Bill 309 (Chapter 73-62).

The 20-year limitation on unused rights of entry or easements prescribed in Section 704.05, F. S., was eliminated by Committee Substitute for Senate Bill 741 (Chapter 73-140), and instead a 10-year period is provided during which a notice of claim must be filed.

Additional 10-year periods are available by re-filings of the notice of claim. The act is intended to operate retroactively, but existing periods that would expire prior to January 1, 1976, are extended to that date.

Under Committee Substitute for House Bill 495 (Chapter 73-218), marketable record titles will not extinguish or affect certain claims or charges nor liens on exempt easements, rights of way and terminal facilities.

#### Landlord and Tenant

Two major bills passed by the Legislature concerned landlord-tenant relationships. The present provisions of Chapter 83, F. S., relating to landlord and tenant, were largely restricted to non-residential tenancies, and a new Part II of the Chapter, applicable to the rental of dwelling units and mobile home lots, was enacted by House Bill 1423 (Chapter 73-330). As to residential tenancies, the act authorizes relief from unconscionable provisions, specifies prohibited provisions, and prescribes in detail the duties of the landlord and of the tenant with regard to maintenance of the dwelling unit. The remedies provided by the act include diminution of rent for failure to maintain as required and a requirement that accrued rent be paid into the court registry while action is

pending. A tenant who prevails is entitled to attorney fees if he has agreed to pay his landlord's attorney if he should prevail. Terms are prescribed on which security deposits and advanced rent are held. Additional statutes are amended to distinguish clearly those applicable to transient rentals.

Specifically applicable to tenancy in mobile home parks is Senate Bill 553 (Chapter 73-182). Grounds for eviction were moderated to provide that a violation of law must include a conviction, violation of a rule must be based on a reasonable rule at least similar to those customarily established in other parks, and to include a change to some other use of the land on which the mobile home is located. The act prohibits any rule which denies a tenant the right to sell to a successor and provides procedure, and prohibits a tenant being required to provide any permanent improvements that become a part of the real property. Entrance fees are to be prorated over a 24-month period. Resale of utility services to a tenant at a price greater than that at which purchased was prohibited. A civil action for damages against the park owner or operator was authorized, with the losing party bearing court costs and attorneys fees, and state attorneys

were authorized to enjoin violations by a park owner or operator. The act further prescribed mobile home tie-down requirements, prohibited insurance against damage from windstorm unless such requirements have been met, prohibited commercial installation not in accordance with such requirements, and authorized civil relief, including punitive damages, and injunctions by state attorneys for failure to comply with them. The tie-down requirements apply only to mobile homes used as dwelling places and at a location for 15 days or more.

#### Wills, Probate, Trust and Guardianship

The Florida adaptation of the Uniform Probate Code was introduced as House Bill 997, but was not enacted. Instead, House Bill 2070 (Chapter 73-307) created a uniform probate code study commission, which will report to the Governor and Legislature not later than February 1, 1974.

The change in dower made by Senate Bill 478 (Chapter 73-107) was outlined in the discussion under the subtitle "Property Law", above. Senate Bill 434 (Chapter 73-106) made similar changes and reduced the period within which the surviving spouse must elect to take dower from nine months to seven months after the

first publication of notice to creditors. The act also reduced other time periods relating to the payment of claims against estates. The notice to creditors is to be published for two weeks, two publications being sufficient, and claims are to be filed within four, instead of six, months after the first publication. In addition a personal representative was authorized to settle a claim if it is approved by the persons adversely affected and done within the period for filing claims. The times for paying claims, filing objections and filing suits were also reduced. The act is not applicable to any estate the administration of which is commenced prior to October 1, 1973.

As mentioned above, an adopted child is regarded for purposes of inheritance under the Florida Probate Law as the natural issue of his adopting parents and shall inherit from and through them, under Committee Substitute for House Bill 243 (Chapter 73-43).

A procedure by which a properly executed will may be made self-proved at the time of its execution or thereafter was prescribed by House Bill 438 (Chapter 73-8). The act prescribes a form which is to be executed before a notary public by the testator and the subscribing witnesses.

Sales made pursuant to a general power of sale contained in a will were authorized and validated by House Bill 439 (Chapter 73-9), no court order and no justification by necessity being required. Notice of hearing on sale of property for distribution may, except when required by court, be dispensed with by waiver or consent to the sale, under Senate Bill 488 (Chapter 73-100).

Senate Bill 286 (Chapter 73-61) prescribed additional procedures for the sale or rental of property when one or both spouses are incompetent. Senate Bill 156 (Chapter 73-94) increased the allowance for a ward's funeral expense. Provisions for limited guardianship, standby guardianship, and non-profit corporate guardians were enacted by House Bill 1348 (Chapter 73-222). A limited guardian assumes custody of the incompetent's property other than wages. The incompetent retains authority to spend his wages and has a limited power to contract. A standby guardian assumes his duties upon the death of the last surviving parent of an incompetent.

The Florida Gifts to Minors Act, which presently authorizes gifts of certain intangibles to a minor during the donor's lifetime, was amended by Senate Bill 469

(Chapter 73-202) to make provision for such gifts by will or in a trust agreement. The act gives the procedure for transfer of the gift to the custodian.

COMMERCE; REGULATION OF BUSINESSES,  
PROFESSIONS AND OCCUPATIONS

Equal Opportunity

Discrimination against any person based on sex, marital status, or race in the areas of loaning money, granting credit, or equal pay for equal services was prohibited by Senate Bill 393 (Chapter 73-251). In a civil action based on a violation of this provision, punitive damages and attorneys fees were authorized in addition to compensatory damages. Refusal of employment to the blind, the visually handicapped or the otherwise physically disabled on the basis of the disability alone, unless it is shown that performance of the work involved is not satisfactory due to the disability, was forbidden by Senate Bill 772 (Chapter 73-110). Both acts are effective October 1, 1973.

Workmen's Compensation

House Bill 311 (Chapter 73-127) made all employers subject to the workmen's compensation law and increased maximum weekly benefits from \$66 to \$80. Maximum death benefits were increased to \$25,000 and the benefits of a spouse alone increased from 35% to 60% of the average

weekly wage; funeral benefits were increased from \$500 to \$1,000. The offset reducing pension or benefit funds for compensation paid to public employees was repealed, but an offset against social security funds for all employees under age 62 as provided by federal law was added. In addition to the existing criminal penalties for failure to secure the payment of compensation, a complaint was authorized in the circuit court to enjoin an employer from employing individuals and conducting business until such payment for compensation has been secured.

Senate Bill 1009 (Chapter 73-185) requires notice of expiration of carrier's policies and provides for cancellation of policies when duplicate coverage occurs.

#### Holidays

Committee Substitute for Senate Bill 344 (Chapter 73-44) returned the legal holiday of Veteran's Day to November 11, instead of the fourth Monday in October.

#### Corporations

The delinquency date for filing the annual report required of corporations and other taxable entities was extended three months, to July 1, by Senate Bill 531

(Chapter 73-101). The effective date of this act is January 1, 1974. Restoration of a dissolved domestic corporation or of the permit to do business in the state of a foreign corporation, upon payment of \$150 in lieu of unpaid capital stock or corporate privilege taxes plus a \$15 reinstatement fee, is provided by Senate Bill 834 (Chapter 73-200). Either the corporation or a majority of the stockholders may apply for the reinstatement. Administration is returned to the Department of State, as detailed in the article on STATE GOVERNMENT.

Minors were made eligible to serve as directors of corporations not for profit by Senate Bill 419 (Chapter 73-42), provided a majority of the board is comprised of persons competent to contract. The effective date of this act is May 15, 1973. A corporation not for profit was authorized by House Bill 1913 (Chapter 73-171) to merge and consolidate with another corporation not for profit, either domestic or foreign, and methods were provided. Lists of delinquent certificates of authority of limited partnerships are to be published before October 1 each year under Senate Bill 554 (Chapter 73-67), effective January 1, 1974, and a delinquent partnership, instead of the state, must publish the notice of reinstatement

before it is valid. Any association or group which does not make its records open for inspection by any citizen is forbidden to receive public funds as dues or contributions under Committee Substitute for Senate Bill 271 (Chapter 73-98), effective October 1, 1973.

#### Trade and Commerce

Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce were made unlawful by House Bill 1915 (Chapter 73-124), which is also to be liberally construed to promote policies of protecting consumers from suppliers who commit deceptive and unfair trade practices and to make the law governing consumer sales practices more simple, clear, modern and consistent with established policies of federal law.

Popularly known as the "Little FTC Law", the act is cited as the Florida Deceptive and Unfair Trade Practices Act. It repealed the Uniform Deceptive Trade Practices Act enacted in 1967 and the Unfair Trade Practices and Consumer Protection Act enacted in 1970. Overall enforcing authority is the Department of Legal Affairs, which is required to propose to the Cabinet

rules prohibiting with specificity acts or practices that violate this act. The rules are to be consistent with the rules and decisions of the Federal Trade Commission or federal decisions interpreting the Federal Trade Commission Act, and the federal interpretations are made of great weight in interpreting the application of the act to the broad field of trade and commerce.

On matters within a judicial circuit the state attorney is constituted the initial enforcing authority. Enforcing authorities are granted extensive powers of investigation, legal remedies, authority to issue cease and desist orders, and authority to refer matters to other agencies having supervision of a supplier. Before bringing an action, however, such an authority must determine by administrative hearing that probable cause for the action exists. A party to an action brought by an enforcing authority may obtain a stay for determination of issues by trial. The right to individual remedies is preserved. Consistent local ordinances are left in effect and may be utilized by an enforcing agency.

A second aspect of the act is the specific provisions pertaining to "consumer transactions" and "suppliers" involved therein. Such transactions pertain

to the conveyance, or solicitation thereof, of an item of goods, service or intangible to an individual for purposes that are primarily personal, family or household or a business opportunity in which he has not been previously engaged, that requires an expenditure of money or property and personal services on a continuing basis. A supplier is one who solicits, engages in, or enforces consumer transactions whether or not he deals directly with the consumer. The special provisions include the granting of immunity for self-incriminating testimony with regard to a consumer transaction (Section 501.206(4)); an action to enjoin a violating supplier (Section 501.207(1), and 501.211); court orders to carry out a consumer transaction in accordance with the consumer's reasonable expectations (Section 501.207(2)); the limitation of liability for a supplier's good faith error to his unjust enrichment (Section 501.207(3)); permitting the two-year limitation after a violation occurs, applicable to enforcing authorities' actions, to be extended to one year after the last payment in a consumer transaction involved in the violation (Section 501.207(4)); authorizing acceptance of a supplier's written assurance of voluntary compliance (Section 501.207(5)); and authorizing attorney's fees and costs for the prevailing party

as part of the judgment in civil litigation not brought by an enforcing authority (Section 501.210).

Lack of knowledge of a violation of the act will prevent its application to the media, to a holder in due course of a negotiable instrument or to a person taking a credit agreement. It will also exempt from liability a retailer who repeats a manufacturer's claim. Other exemptions include tort actions not involving the property that is the subject of the consumer transaction, banks and savings & loan associations, and persons or activities regulated by the Department of Insurance or the Public Service Commission.

Finally, the act authorized the Division of Consumer Services of the Department of Agriculture and Consumer Services, on its own inquiry or upon complaints, when it has reason to believe that a violation of law relating to consumer protection has occurred or is occurring, to conduct investigations, subpoena witnesses and evidence, and to administer oaths and affirmations.

Another consumer measure effective October 1, 1973, is Senate Bill 1155 (Chapter 73-239) which prescribes the permissible labeling for new and used television picture tubes. A violation is punishable as a misdemeanor of the

second degree.

### Retail Sales

Advertising of merchandise at a special price when sufficient quantities of the merchandise are not available to meet reasonable demand is prohibited by Senate Bill 94 (Chapter 73-60), unless the merchant states in the advertisement that quantities are limited to an approximate number, or unless he provides a "rain check". In addition to actual damages, a civil action may include claims for punitive damages, attorney fees and costs. This act is effective October 1, 1973.

House Bill 1661 (Chapter 73-292) requires the rules governing game promotions to be included in all advertising copy used in connection therewith and requires radio and TV announcements to indicate that the rules are available at retail outlets or from the promotion's operator. The published winners list was limited to those whose prizes have a value of more than \$25. The Department of Legal Affairs is required to keep the winners list for a period of six months and thereafter may dispose of all records and lists. Effective date of this act is October 1, 1973.

## Consumer Credit and Finance

Under Senate Bill 100 (Chapter 73-35) payments on retail installment debts are to be applied in the order in which the sales were first made or in the order in which the entries to a revolving account are made. If the debts are incurred on the same day, payments are to be applied to the smallest debt first. Effective date is October 1, 1973.

Fees for consumer regulation were increased by Committee Substitute for Senate Bill 835 (Chapter 73-192), which went on to make significant revision in the law regulating consumer finance transactions. The lending limit was increased to \$2,500 and interest rates were prescribed at 30% up to \$300, 24% from \$300 to \$600, and 16% over \$600. For delinquency of 10 days or more a fee of 5% was authorized, with payments to be applied to current installments, then past due installments, and then delinquency charges. Principal amounts and annual percentage rate of finance charges are conformed to the Federal Truth in Lending Act and Regulation "Z" of the Federal Reserve Board. Split loans were prohibited. Loans are to require payment in equal monthly installments, and those up to \$600 must be scheduled for

repayment within 24 months, and those above \$600 within 36 months. The act provides that all consumer paper, other than checks, remains subject to all claims and defenses of the consumer debtor against the seller, but liability is limited to the amount owing when the claim or defense is asserted. If property is repossessed the consumer is not liable for the unpaid balance unless it exceeds \$2,000, in which case he may be liable for the deficiency (obtained by deducting the fair market value of the collateral, presumed to be that recognized in the particular trade or business). Payment provisions are included similar to those provided for in Senate Bill 100 (Chapter 73-35). The Department of Banking & Finance is made responsible for promoting a consumer credit counseling service to assist consumers in areas where the need has been established. This act is also effective October 1, 1973.

Fees for retail installment sales licensees under Chapter 520, F. S., were increased by Committee Substitute for House Bill 1016 (Chapter 73-276), effective January 1, 1974. A separate fee is required for each county in which a branch is located, and examiners' expenses are assessed only for examinations outside the state.

### Usury

For the purpose of determining the rate of interest under the usury laws (Sections 687.02 and 687.03, F. S.), House Bill 2023 (Chapter 73-298) provides that the calculation shall be based on the assumption that the debt will be paid according to the agreed terms, and prior to the term of a loan any payment used in the calculation of interest shall be spread over the stated terms of the loan. The maximum interest permissible on debts and contracts over \$500,000 was increased to 15%. Effective date of this act is October 1, 1973.

### Financial Institutions

Senate Bill 662 (Chapter 73-69) amended Section 658.08, F. S., to increase the fees for bank applications or majority acquisition. Fees were provided for conversion to a state bank, for operation of special facilities, and for examination of trust companies or trust departments. The same schedule of fees was made applicable to industrial savings banks, in lieu of the present schedule. Committee Substitute for Senate Bill 637 (Chapter 73-103) authorized a bank to operate one drive-in and walk-up facility within one mile of the

bank's main building provided it is not nearer than 400 feet to another bank, unless closer to the bank's own building. The provisions were made applicable also to industrial savings banks. Effective date is December 1, 1973.

House Bill 1688 (Chapter 73-119) provided a fee for establishing a trust service office of a trust company. Provided its capital is adequate, a trust company was authorized to maintain a principal office, and in addition one or more trust service offices at the location of any consenting bank in Florida. Procedure for securing the approval of the Department of Banking & Finance was provided. If approved, the trust company automatically succeeds as to the fiduciary powers of the bank's trust department. Provisions for the transfer of fiduciary powers when a trust company terminates a trust service office were also provided.

Three acts pertain to credit unions. Senate Bill 373 (Chapter 73-41) made insured savings share accounts in federally and state chartered credit unions, operating in this state under federal or state charter, eligible for the investment of Veterans Administration funds held by guardian. House Bill 605 (Chapter 73-245)

authorized free office space for credit unions in buildings owned or leased by the state or by a political subdivision thereof, provided the public board having jurisdiction over the building officially finds that services rendered by the credit union to employees are equivalent to a reasonable rental. Senate Bill 374 (Chapter 73-22) removed the statutory limitation on the authority of appointed loan officers relating to approval of loans.

Senate Bill 563 (Chapter 73-68) amended Chapter 517, F. S., regulating the sale of securities, to redefine "salesman" to include a person employed to act as an investment adviser. The definition of "dealer" was made applicable to persons both within and outside the state, and the exemption of sales made from outside the state was removed. The provision exempting securities issued out of earnings or surplus was extended to equity securities issued by a trust or partnership. The exemption of securities secured by mortgage was limited to those secured by a specific lien that provides for foreclosure or repossession and in which the debt does not exceed the value of the property if for the purchase price, or 80% of value otherwise. The IRS reference for

exempt employee stock option or purchase plans was made specific. Effective date is October 1, 1973.

Senate Bill 825 (Chapter 73-209) amends Chapter 494, F. S., pertaining to the licensing required of mortgage brokers or solicitors. A \$50 investigation fee and fingerprinting were added for applicants, a training handbook was authorized, a September 1 annual renewal date was added, along with procedures for refusal, suspension or revocation of licenses. Effective date of this act is October 1, 1973.

Other acts affecting businesses supervised by the Department of Banking & Finance are Committee Substitute for House Bill 1017 (Chapter 73-277), pertaining to the sale of money orders, in which the principal change was to require a license fee for each location at which money orders are sold; House Bill 1032 (Chapter 73-221) which increased the fees to be paid by trading stamp companies from one-half percent to one percent of the required bond and to remove the stated maximum, making the effective maximum \$1,000; and House Bill 976 (Chapter 73-275), relating to proceedings before the Department on default of a stamp company and placing the burden on the company to show a claimant is not the rightful holder

of stamps claimed by him. The effective date of these three acts is July 1, 1973.

#### Savings and Loan Associations

The creation of capital stock saving and loan associations and the conversion of existing mutual associations to a capital stock status were authorized by House Bill 1345 (Chapter 73-224). Now, a capital stock association may be organized by five or more adults, a majority of whom are residents of Florida. Various types of stock, common and preferred, may be issued, and at the annual meeting a board of directors shall be elected consisting of not less than five nor more than fifteen persons, of whom at least 3/5 are residents. Minimum capital and paid in surplus are prescribed.

Procedures for conversion of existing mutual associations to capital stock associations become effective January 1, 1975, and include approval at a meeting of voting members of the existing association and receipt by each savings account holder of the existing association of a withdrawable account in the capital stock association equal to his withdrawable account in the mutual association and a right to purchase voting common

stock. Not more than 15% of the vote in common stock may be reserved for stock options for officers and employees. When the conversion takes effect the existing association is not terminated but the capital stock association continues with the same powers, properties, obligations and entity as the mutual association. Restrictions are prescribed on the ownership or control of a capital stock association by groups of persons or by other business organizations. A procedure is also given for the conversion of a capital stock association to a federal association. As in the case of banks, all material changes pertaining to capital stock associations are subject to approval of the Department of Banking & Finance.

Other acts relating to savings and loan associations were House Bill 1419 (Chapter 73-285) which authorized associations to invest in certain bankers acceptances and in unlisted obligations of listed corporations, removed the requirement of semi-annual closing of books, and authorized a fee upon the withdrawal of certain savings. The Department of Banking & Finance was authorized to increase the value of saving inducements up to \$15.00 (exceeding the current maximum of \$2.50) and to approve the operation of additional facilities by

associations. House Bill 1420 (Chapter 73-225) granted state chartered associations authority to make any loan or investment or exercise any power which would be permitted them if they were federally chartered. Senate Bill 633 (Chapter 73-49) increased the various application and examination fees for associations. House Bill 1426 (Chapter 73-168) authorized the annual meeting of the members to be held during the first three months of an association's fiscal year, instead of in the first month.

#### Energy Suppliers

House Bill 1534 (Chapter 73-289) authorized the Public Service Commission to assume jurisdiction and regulate the rates and charges of a company selling energy when it receives a consumer's complaint alleging that the company from whom he purchases holds a state or federal certificate of public convenience and necessity to sell energy, its rates are discriminatory or unreasonably high, its price is not regulated, and no alternative product or supplier is readily available.

Committee Substitute for House Bill 149 (Chapter 73-33) vests in the state the sole authority concerning

the location of electrical generating facilities and directly associated transmission lines. New plants, and changes in existing plants that will increase their generating capacity, may not be constructed after October 1, 1973, without certification by the Department of Pollution Control. Each electric utility is required to submit and to update each two years a ten-year estimate of its power needs and proposed sites. Procedures are given for applying for, reviewing, and granting certificates, and for assuring continued compliance with them.

#### Regulated Businesses

Employment by alcoholic beverage vendors was affected by Senate Bill 332 (Chapter 73-358) and Committee Substitute for House Bill 1499 (Chapter 73-365). The minimum age generally was reduced to 18 years. The provision requiring all employees to meet the qualifications required of licensees was removed but the act does not allow a person convicted of any felony offense to act as a bartender, even if the bar is part of an establishment whose major revenue is derived from other sources. The Beverage Director may for good cause authorize the employment of a person aged 21 or older

to be in charge of a place of business licensed for consumption on or off the premises. House Bill 1851 (Chapter 73-367) exempted restaurants serving public airports from the minimum size and seating capacity requirements, and House Bill 1644 (Chapter 73-366) authorized special licenses for hotel or motel operators in condominiums with no less than 100 units rentable to transients and licensed as a hotel or motel. Sale of beverages in containers other than authorized sizes, if so sold on May 1, 1961, is permitted by House Bill 2106 (Chapter 73-328).

Senate Bill 458 (Chapter 73-121) repealed the requirement for pari-mutuel licenses to be issued by county judges. House Bill 1073 (Chapter 73-23) defined the dog racing season as the annual period beginning September 5 of each year.

Chapter 509, F. S., relating to the regulation of public lodging and food service establishments, was substantially amended by House Bill 1906 (Chapter 73-325), effective October 1, 1973. Terms were redefined and terminology modernized. Exits were required to conform to designated building codes and approval of fire extinguishers was vested in the Division of Hotels

and Restaurants. House Bill 666 (Chapter 73-364) made the liability of a public lodging establishment for guests' valuables deposited for safekeeping contingent on proof of fault or negligence and limited liability to \$1,000 if acknowledged on a receipt for the property. House Bill 1905 (Chapter 73-296) increased the membership of the Advisory Council for Industry Education to a maximum of 15, removed the prohibition on payment of per diem and expenses for association executive members, and removed the limitation on employment of personnel. The effective date of this act is October 1, 1973.

#### Land Sales

The sale of subdivisions or subdivided lands regulated by the Land Sales Board was the subject of a number of bills enacted by the 1973 Legislature. Among the four dealing with requirements for registration of such lands, foremost was Committee Substitute for House Bill 979 (Chapter 73-348) as amended by the Conference Committee. This act imposed requirements for lands in this state relating to platting, road and utility improvements as specified by local authorities, requirements as to drainage, dredging and filling, and pollution as specified

by state authorities, and a specification of the dates when the respective requirements will become effective. The effective date of this act is July 1, 1973, except for Section 1, dealing with certain unplatted, subdivided lands, registered prior to July 1, 1973, which carries an effective date of January 1, 1975, and Sections 2 and 3, dealing with application for registration and notice of filing, which become effective October 1, 1973.

Committee Substitute for Senate Bill 555 (Chapter 73-108) revised the requirements which must be met for sales to be exempt from regulation under Chapter 478, F. S., and House Bill 1392 (Chapter 73-178) clarified the applicability of the law for sales of lands outside the state to persons within the state. Both of these acts carry an effective date of October 1, 1973.

House Bill 1388 (Chapter 73-51) made it clear that if there is no provision for physical access to the land, a statement to that effect must be included in the application for registration, along with the required statement of existing provisions as to legal and physical access. Effective date of this act is October 1, 1973.

House Bill 1389 (Chapter 73-52), effective October 1, 1973, prohibited any material change in an

offering after an order of registration has been issued unless submitted to and approved by the director of the Division of Land Sales of the Department of Business Regulation. Committee Substitute for House Bill 428 (Chapter 73-175), effective August 1, 1973, authorized the division to limit the amount and format of the promotional materials that are submitted to a prospective purchaser with the public offering statement. In addition, this act prescribed requirements that must be met when purchasers are solicited by long distance telephone. A 90-day refund privilege was prescribed under certain circumstances, and agreements made in violation of the section were made voidable by the purchaser within certain limitations.

Regulation of the use of vacation certificates was extended to include those involving a land sales presentation (instead of only those requiring attendance at a sales presentation) and was extended to distributors and other persons, by House Bill 1391 (Chapter 73-54). Actions intended to influence or secure the prepayment or accelerated payment of contracts came under regulation by the provisions of House Bill 1390 (Chapter 73-53). Both of these acts carry an effective date of October 1, 1973.

By House Bill 1393 (Chapter 73-55) the Division of Land Sales was authorized to prescribe by rule the annual renewal date for salesmen's registration, effective October 1, 1973.

#### Professional & Occupational Regulation

Two acts affected the Department of Professional and Occupational Regulation, which supervises the numerous examining and licensing boards. Senate Bill 269 (Chapter 73-97) authorized the department's Bureau of Records Administration to establish a uniform renewal license form for all boards and commissions and to establish renewal and delinquency periods with the concurrence of the affected boards. House Bill 1713 (Chapter 73-353) eliminated the provision that 9% of revenues collected by each board should be deposited in the general revenue fund to the credit of the department, and instead provided that the entire 10% of collections charged each board should be deposited in the general revenue fund unallocated.

Procedures for the selection by any public agency of the professional services of architects, professional engineers, or registered land surveyors by a process of

public announcement, qualification, and competitive negotiation were enacted by House Bill 309 (Chapter 73-19). Selection from among not less than three firms is required for projects over \$5,000. Where the fee is over \$25,000 the Department of Transportation or the Department of General Services is required upon request to assist a local agency in selecting consultants and negotiating consultant contracts. The payment of contingent fees and the solicitation of contracts on a contingent fee basis are prohibited.

Definitions of various specialty contractors were added to the construction industry licensing law by Committee Substitute for Senate Bill 561 (Chapter 73-205), which also increased the Construction Industry Licensing Board's membership from 7 to 13, adding five specialty contractors and one citizen not allied with construction, authorized alternate members, and provided for the board to operate in two divisions (general and specialty). Persons newly covered have until October 1, 1973 to register. Four years experience or equivalent is required before taking an examination, which must be prepared and administered by an independent agency.

Committee Substitute for House Bill 1305 (Chapter 73-281) made minor revisions in the requirements for the practice of cosmetology. Committee Substitute for Senate Bill 1119 (which included Senate Bills 1121 and 1171) (Chapter 73-186) excluded from the regulations for practicing dentistry students and instructors in dental auxiliary educational programs, increased the compensation of members of the examining board, and authorized the use of the designation "general dentistry". House Bill 1402 (Chapter 73-167) authorized the assessment of a civil penalty against electronic repair dealers who fail to register.

Three acts related to funeral directors and embalmers. House Bill 515 (Chapter 73-88) authorized reciprocal agreements with other states; Committee Substitute for House Bill 525 (Chapter 73-115) removed a restriction upon the use of the name of a business upon its transfer; and Senate Bill 963 (Chapter 73-143) required an itemized bill to be provided at the time the initial agreement for services is made.

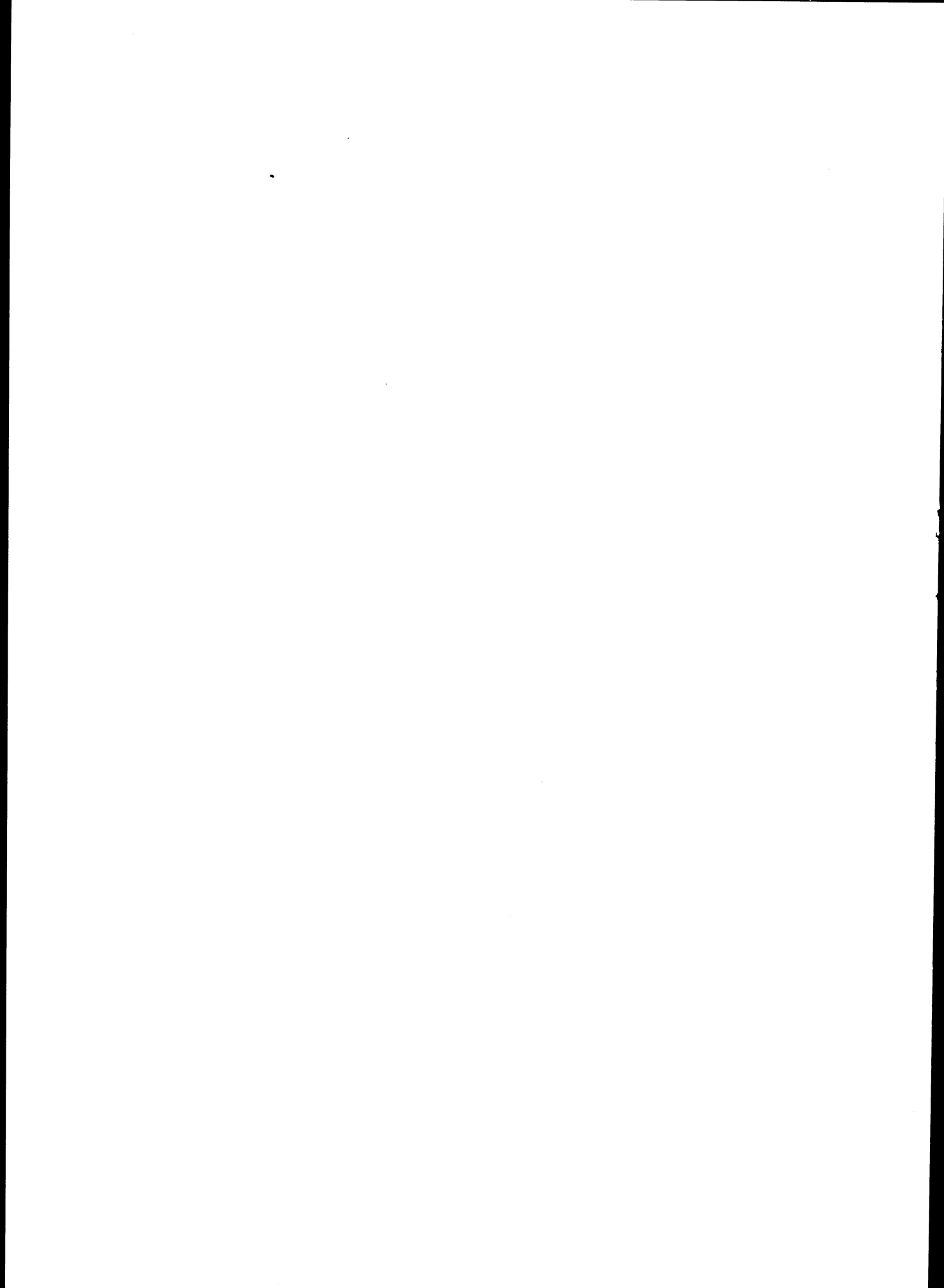
House Bill 1555 (Chapter 73-352) increased fees for naturopaths. Senate Bill 519 (Chapter 73-203) increased fees for pharmacists, deleted the provision

under which a retired pharmacist could renew his certificate within five years and substituted a provision that cancels any certificate delinquent for a period exceeding one year. Responsibility for unsupervised filling of prescriptions was extended to pharmacists employed or on duty in a pharmacy. Committee Substitute for House Bill 813 (Chapter 73-315) authorized a temporary certificate to a physician to practice in communities with less than 7,500 population and having a critical need for physicians. Certain restrictions were specified. House Bill 1770 (Chapter 73-354) authorized physical therapists to perform electromyography as an aid to diagnosis in compliance with criteria set by the Board of Medical Examiners. Registration of therapists was changed to licensing, and fees were increased. House Bill 1144 (Chapter 73-76) increased the penalty for unlawful acts relating to podiatry from a misdemeanor of the first degree to a felony of the third degree.

Three acts pertain to public accounting. House Bill 822 (Chapter 73-270) provided requirements as to continuing professional education. House Bill 821 (Chapter 73-117) made the Board's records confidential to the extent that the privacy of accountants and

applicants is involved, but modified the rule of privacy as to clients to the extent necessary in disciplinary investigations or proceedings. It also authorized the Board to permit the employment of persons who were disbarred or convicted of felony. Committee Substitute for House Bill 820 (Chapter 73-116) provided for suspension of a certificate while a practitioner is mentally incompetent.

Senate Bill 177 (Chapter 73-96) revised the fees and qualifications for applicants for professional land surveying and for surveyors-in-training.



CONSERVATION AND NATURAL RESOURCES

Interim study and subsequent enactment of important legislation dealing with land use, pollution control, environmental protection and preservation of natural resources showed the continuing concern of the Legislature in these areas. However, the inevitable blending of legislation on these matters became more marked in the 1973 Session than previously. Thus, the categories into which the acts have been divided in this article have little significance except for their convenience to the reader.

Environment

Progress in environmental legislation was carried forward by the 1973 Session. Under the Florida Land and Water Resources Act of 1972, the initial guidelines and standards to be used in determining whether particular developments shall be presumed to be of regional impact were given legislative approval by House Concurrent Resolution 1039. These initial guidelines and standards were developed in consultation with the environmental land management study committee and were adopted by the Administration Commission by rule on March 7, 1973.

The resolution recognized that the Department of Administration's Division of State Planning is the "state land planning agency" under the 1972 act. The effectiveness of future changes in the guidelines and standards relating to developments of regional impact was made subject to legislative approval by Senate Bill 241 (Chapter 73-39). However, emergency acts vital to the health, safety and welfare of the citizens of more than one county may be adopted by the Administration Commission and be effective until the next regular session of the Legislature, but the effectiveness thereafter is subject to legislative approval. Committee Substitute for House Bill 1762 (Chapter 73-131) designated the Big Cypress Area as one of critical state concern and initiated a program of state acquisition of lands therein, subject to customary Indian usages.

House Bill 1462 (Chapter 73-351) authorized the state to enter into the Southern Coastal Growth Policies Agreement, which has the stated purpose of mutual improvement of each member state in the region by cooperative planning for the development and conservation of human and natural resources. A governing board will be created of all member states, with Florida having

five members appointed by the Governor. The board will formulate and keep current regional growth objectives, including recommended approaches to regional problems. The financial support of the board will be apportioned between the member states which include sixteen southeastern states in addition to Florida, the border ones being Delaware, Maryland, Kentucky, Missouri, Oklahoma and Texas.

#### Pollution

In place of the present provision that the Department of Pollution Control shall have no jurisdiction over local acts of a stricter or more stringent nature, Committee Substitute for House Bill 233 (Chapter 73-256) provided that the Department shall have jurisdiction to enforce Chapter 403, F. S., throughout the state and that wherever a local pollution control program has stricter or more stringent rules the Department, if it elects to assert its jurisdiction, shall enforce the stricter rules in the jurisdiction where they apply. A violation of the stricter rule was made a violation of Chapter 403, F. S., and enforcement by both the Department and the local program was provided. However, a change in rule by a local program will not apply to an

installation operating at the time of change under a valid state permit.

Senate Bill 593 (Chapter 73-360) amended the present law relating to operating permits for sewage treatment facilities to allow temporary operating permits for facilities not providing 90 percent treatment. Those plants which are demonstrating a good faith effort to build or improve their sewage treatment facilities to comply with state laws may be exempted completely or partially by the Department of Pollution Control from the prohibition on new sewer connections.

The operating permits allowing new connections are valid until July, 1975 subject to periodic evaluation by the Department. The permit shall be revoked if, upon examination, the facility is found not to have taken the affirmative action it proposed or that environmental damage has resulted from increases in sewer connections.

Owners of small inland lakes of less than 150 acres can gain relief from water pollution and shore erosion problems through the ordinance powers of county commissions under House Bill 826 (Chapter 73-147). The owner can petition the county commission who in turn can pass an ordinance on the problem. Violation of an

enacted ordinance is punishable as a second degree misdemeanor.

When Chapter 403, Florida Statutes, was amended in 1971, certain definitions in the pollution laws were inadvertently omitted. Senate Bill 23 (Chapter 73-46) reenacts the definitions of department, water, contaminant, wastes, treatment works, sewage system, installation, plant, source, and person.

The use of poisons, drugs, chemicals, etc. in the marine waters of this state is unlawful under Committee Substitute for Senate Bill 442 (Chapter 73-66), except when a permit is obtained from the Department of Natural Resources. Part of the conditions of the permit is the presence of a marine officer when these materials are used. A violation is punishable as a second degree misdemeanor.

### Energy

Committee Substitute for House Bill 149 (Chapter 73-33) vests in the state the sole authority concerning the location of electrical generating facilities and directly associated transmission lines. New plants and changes in existing plants that will increase their

generating capacity may not be constructed after October 1, 1973, without certification by the Department of Pollution Control. Within three months of the date of application the Division of State Planning and the Public Service Commission shall submit recommendations, the latter to pertain to the present and future needs for electricity in the area. The Department may require an application fee of up to \$25,000 and may make additional studies of proposed facilities and pay for them with the application fee. An initial hearing in the county of the proposed site must be held within 60 days of the date of application. If it is determined at the hearing that the proposed site conforms with existing land use plans and zoning ordinances, no further change in them may be made. If rezoning the proposed site has been denied, the Department may authorize a variance to existing land use plans and zoning ordinances. Parties to the hearings include state, county and municipal governments or agencies, non-profit environmental, historical, consumer, industry development groups and others. All evidence from hearings, study information, and the Department's recommendations shall be submitted to the Florida

Pollution Control Board within 12 months after time of application unless extended by mutual assent, and the Board must act on the application within 60 days. If granted, the Board's certification binds all agencies of the state as to the construction of the proposed power plants and major transmission lines. Each electric utility is required to submit and update each two years a ten-year estimate of its power needs and proposed sites. The Division of State Planning is authorized to impose a fee not exceeding \$1,000 for its study of each proposed plan, including need as determined by the Public Service Commission. The Department of Pollution Control is authorized to prescribe necessary rules, including the means for monitoring the effects of power plants to assure continued compliance with certificate terms.

The Florida Energy Committee was created by House Bill 1491 (Chapter 73-130), as noted in the article on LEGISLATURE. Other material on energy suppliers is contained in the article on COMMERCE.

#### Water Resource Management

The Water Resources Act of 1972 created three

additional water management districts to cover the entire state. Committee Substitute for Senate Bill 1164 (Chapter 73-190) set the boundaries for the Northwest Basin, Suwannee River Basin and the St. Johns River Basin. The two existing districts, Southwest Florida Water Management District and the Central and Southern Florida Flood Control District, will operate under present status until 1975 to allow operational development of the three new districts. An interim sixth district called the Ridge and Lower Gulf Coast District was created to allow functional transition of the existing two districts in 1975 to their new counterparts. They will be designated then as the Southwest District and the South Florida District. The ad valorem taxing authority of the present districts is not present in the newly created districts or in portions of territory the existing districts will acquire under the new boundary designation.

In addition to implementing the 1972 act, the 1973 act provides for some clarification and changes in that act. The significant changes relate to the implementation of programs for consumptive use of water by providing greater flexibility in the permitting

program. Previously, the law mandated consumptive use permitting, exclusive of domestic use, whereas it is now permissive under authority of the water management districts.

Two additional bills were passed affecting the water management districts. Senate Bill 1264 (Chapter 73-213) will allow the governing boards to establish new procedures for disbursing district funds. The present law has been interpreted to prohibit the district from disbursing funds to pay bills (regardless of size) prior to specific board approval. The bill would allow the board to establish procedures for payment of bills when received, rather than having to wait until the next board meeting.

Senate Bill 1202 (Chapter 73-212) authorizes the district governing board to pay awards up to \$1,000 for information leading to arrest and conviction of persons committing unlawful acts on district land or to district properties.

The authority of flood control districts to declare water shortages and to impose emergency restrictions upon water users, which was to expire July 1, 1973, was made permanent by House Bill 1823 (Chapter

73-295). Normally the action is taken by the district's governing board, but in an emergency the executive director, with the concurrence of the governing board, may issue emergency orders that may require apportioning, rotating, limiting or prohibiting the use of the water resources of the district. Policies and rules so adopted will be reviewed, and may be rescinded, modified or approved, by the Department of Natural Resources.

#### Recreation

Committee Substitute for House Bill 1764 (Chapter 73-249) directed the development of recreational sites in the water conservation areas of the Everglades to the extent this can be done without endangering the environment. A 12-member Everglades Recreational Planning Board was created to plan the sites and provide advice and assistance during the implementation of the plan. The sites will be developed and managed by the Game & Fresh Water Fish Commission. Additional funds for the development of a recreational park for the handicapped on St. Joseph's Island, Gulf County, were provided by House Bill 1645 (Chapter 73-383).

### Aquatic Plants

The permitting of aquatic plants was transferred from the Department of Pollution Control to the Department of Natural Resources by House Bill 1366 (Chapter 73-223). House Bill 249 (Chapter 73-217) permits additional funds for aquatic weed control by restricting the statutory limitation on funds to those derived from the First Gas Tax. Other bills relating to plants were House Bill 1064 (Chapter 73-82) which prohibited the importation of injurious pests, parasites or predators, and House Bill 739 (Chapter 73-80) which added certain plants to those entitled to preservation.

### Government Organization

Committee Substitute for House Joint Resolution 637 makes the appointment of members of the Game and Fresh Water Fish Commission subject to Senate approval, re-defines the Commission's "non-judicial" powers as "regulatory and executive" powers and authorizes the Legislature to enact laws in aid of these powers not inconsistent with the constitutional provision. The Commission's executive powers in the area of planning, budgeting, personnel management, and purchasing are

made subject to exercise as provided by law. The amendment provides that the Legislature shall appropriate to the Commission the revenues derived from its license fees for the purpose of carrying out the Commission's duties.

House Bill 583 (Chapter 73-146) exempts non-powered boats used exclusively for commercial fishing and boats owned and operated by the Tampa, Pinellas, Jacksonville and Florida Ocean Science Marine institutes from boat registration certificate fees.

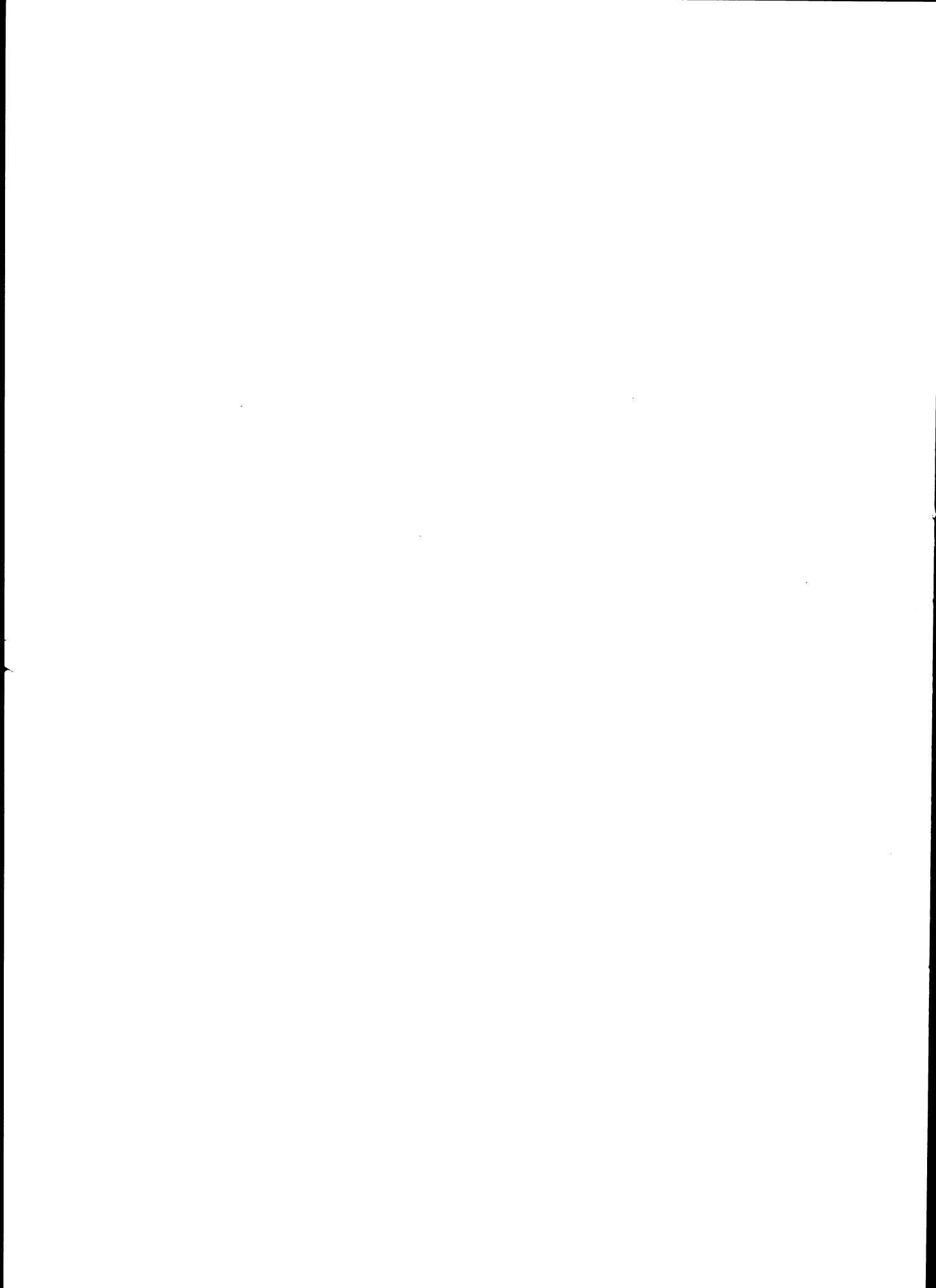
The name of the land mass known as Cape Kennedy was changed by Senate Bill 217 (Chapter 73-369) to its historical name of Cape Canaveral. The government space facility named the John F. Kennedy Space Center will remain the same.

#### Salt Water Fisheries

Senate Bill 750 (Chapter 73-208) preempted to the state all authority to regulate salt water fisheries, invalidating the exercise of county authority in this subject area. Senate Bill 684 (Chapter 73-207) granted authority to the Division of Marine Resources of the Department of Natural Resources to remove abandoned or

derelict vessels from the public waters of the state, effective July 1, 1974.

A number of acts regulated the taking or provided for the protection of various fish, the bills and their subjects being: House Bill 1090 (Chapter 73-45), relating to crawfish; Committee Substitute for House Bills 1453 and 1507 (Chapter 73-149), relating to the protection of the permit fish; Senate Bill 224 (Chapter 73-28), relating to stone crabs; Committee Substitute for House Bill 1471 (Chapter 73-150) and House Bill 1455 (Chapter 73-362), relating to shrimp. Committee Substitute for House Bill 448 (Chapter 73-26) relates to trap permits for blue crabs; and Senate Bill 989 (Chapter 73-211) relates to submergence devices for crawfish traps. Spearfishing is regulated by Senate Bill 753 (Chapter 73-141). General regulation of salt water fishing is provided by Senate Bill 228 (Chapter 73-38). The import of striped bass for culturing is regulated by Committee Substitute for House Bill 764 (Chapter 73-10). The protection of sea fans and coral is provided by Committee Substitute for House Bill 276 (Chapter 73-145) and of sea oats and sea grapes is provided by House Bill 262 (Chapter 73-258). The protection of green sea turtles is the subject of Senate Memorial 795.



CONSTITUTIONAL AMENDMENTS

Three constitutional amendments were proposed by the 1973 Session and are to be voted on at the general election in November 1974:

Committee Substitute for House Joint Resolution 637 makes the appointment of members of the Game and Fresh Water Fish Commission subject to Senate approval, re-defines the Commission's "non-judicial" powers as "regulatory and executive" powers and authorizes the Legislature to enact laws in aid of these powers not inconsistent with the constitutional provision. The Commission's executive powers in the area of planning, budgeting, personnel management, and purchasing are made subject to exercise as provided by law. The amendment provides that the Legislature shall appropriate to the Commission the revenues derived from its license fees for the purpose of carrying out the Commission's duties.

House Joint Resolution 1907 proposes to change the name of the county office of Tax Assessor to Property Appraiser.

Laws authorizing a municipality, county, special district or agency thereof, to become a joint owner of,

or to give, lend or use its taxing power or credit for the joint ownership, construction and operation of electric generating or transmission facilities, are proposed by House Joint Resolution 1424 as an exception to the general limitation on lending of public credit or taxing power.

CRIMINAL JUSTICE\*

The Legislature's continuing concern with criminal code revision was carried through the 1973 Session, and although the bill containing the major portion of the substantive criminal law did not pass, the adoption of the Florida Comprehensive Drug Abuse Prevention and Control Act was a major step forward. Of equal importance are the revision of the law controlling the juvenile cases and the passage of the statewide grand jury act.

Drug Abuse and Control

Committee Substitute for House Bill 1752 (Chapter 73-331) creates Chapter 893, F. S., the Florida Comprehensive Drug Abuse Prevention and Control Act. In effect it combines Chapters 398 and 404, F. S., into a single chapter relating to all controlled substances. Tracking federal law on the subject, this act classifies drugs in five schedules according to potential danger in abusive use. The penalties are graduated according to the classification of the substance, sale or possession, age of person to whom delivered and the amount. Increased penalties for subsequent offenses are subject to all the criteria

---

\*Prepared by Senate Legislative Services,  
Martha A. Bass, Director

in Section 775.084, F. S. A first offender charged with possession under certain circumstances may be placed on probation not exceeding one year without adjudication of guilt and have his record expunged except for nonpublic records retained by the Department of Law Enforcement. Provision is made for lawful possession by practitioners and persons having prescriptions, record keeping, enforcement, and the forfeiture and sale of vessels, vehicles or aircraft illegally used in drug traffic. Throughout the Florida Statutes terminology referring to narcotics and dangerous drugs is changed to conform to this act.

House Bill 1358 (Chapter 73-350) authorizes courts, having jurisdiction over any person including a juvenile charged with or convicted of crimes involving possession or use of drugs, to require, in lieu of or in addition to any other penalty, participation in a licensed drug program for a specified period of time not to exceed the maximum term of imprisonment authorized for the offense. By giving the court written notice, the director may refuse to admit or may expel any such person. Successful completion of the drug rehabilitation program shall be satisfaction in full of all penalties for the crime. Drug rehabilitation programs are to be reimbursed from the Drug Abuse Trust Fund

for the expenses of treating persons referred under this act, such expenses being allowable on properly authenticated attendance records and the limitation of not to exceed 60 days at the rate of \$5 per day for a residential center or \$2 per day for a nonresidential center.

### Juveniles

Commiteee Substitute for Senate Bill 292 (Chapter 73-231) is a substantial revision of Sections 39.01-39.19, F. S., which not only conforms to Article V, Florida Constitution, but also makes other major changes. Juvenile jurisdiction covers children under 18 years and, unless relinquished by order, is retained until age 21. Exclusive original jurisdiction is vested in the circuit court for proceedings in which the child is alleged to be dependent, delinquent or in need of supervision.

A juvenile traffic offense transferred to circuit court as a delinquent act will be heard de novo, and venue of juvenile cases shall be in the county in which the cause of action arose but may be transferred to the county of domicile for disposition. The judge's power to transfer the child to be handled as an adult is extended to misdemeanors, and the procedure is detailed in the law. If the violation charged is one punishable by death or life imprisonment, juvenile jurisdiction

does not attach for 14 days from the date the child is taken into custody unless the state attorney advises the court that he does not intend to present the case to the grand jury or that the grand jury declined to return an indictment. The taking of a child into custody, detention, notification to parents, place of detention after January 1, 1974, type of care and custody, and the duration of detention are strictly controlled by the law.

Pre-trial intake is performed by the Department of Health and Rehabilitative Services. Any complaint alleging delinquency, dependency or need of supervision is to be filed with the intake officer who makes a preliminary determination as to whether the facts are legally sufficient to file a petition. He or the state attorney may file the petition, depending upon the type of petition, or the intake officer may determine, although the facts are legally sufficient, that the child's best interest will be served by referring the child for care and treatment, and he may do so. The complainant may then file the petition seeking supervision. If the act charged constitutes a crime, the state attorney may file the petition regardless of the decision of the intake officer. On motion, a petition alleging delinquency or need of

supervision shall be dismissed with prejudice if not filed within 30 days from the date the complaint was referred to the intake officer. Detailed provisions are included covering process and service; medical, psychiatric and psychological examination and treatment; and adjudicatory, waiver, and disposition hearings. A predisposition study is required by either the Division of Youth Services or Division of Family Services. If the court finds the child is in need of supervision, a dependent or a delinquent, but no action other than supervision in his own home is required, the court may withhold adjudication, and place the child on probation under the Division of Youth Services or place the child's home under supervision of the Division of Family Services. Failure of the child or his custodian to comply with the conditions of probation would warrant, after a hearing, an adjudication. A child adjudicated for the first time to be one in need of supervision may not be committed to the Division of Youth Services, but on a subsequent adjudication the court may make any disposition authorized for a delinquent child.

In addition to requiring those financially able and responsible for the child to pay for his care and

maintenance, the court may order them to pay attorney's fees and costs of the party maintaining the proceeding, including enforcement and modification proceedings. The act takes effect July 1, 1973, except the definition of "child" does not take effect until July 1, 1974.

### Pornography

Senate Bill 167 (Chapter 73-120) is patterned after Georgia Code 26-2101, which was constitutionally upheld in the case of Gable v. Jenkins, 309 F. Supp. 998 (N.D. Ga. 1969), affirmed by the U. S. Supreme Court in a per curiam opinion, Gable v. Jenkins, 397 U. S. 592 (1970). It prohibits distributing obscene materials. A first conviction is a first degree misdemeanor, punishable by a maximum of one year or a fine not greater than \$5,000. For a second or subsequent conviction, the offense is a felony of the third degree.

The act also prohibits wholesale promotion of any obscene matter or performance, and prohibits, as a condition to sale, consignment or delivery, any requirement that a purchaser or consignee receive for resale any material reasonably believed to be obscene. These offenses are felonies of the third degree.

In defining obscene material, the act generally tracks the Georgia law utilizing the definitions elucidated by the United States Supreme Court in Roth v. United States, 354 U. S. 476, and a Book Named John Cleland's Memoirs v. Massachusetts, 383 U. S. 413.

The act allows the state attorney to apply for an order requiring that allegedly obscene material be brought into court for an adversary hearing to determine if there is probable cause to believe that the material is obscene.

All local ordinances on this subject passed prior to July 1, 1973, and relating to persons over seventeen years of age are abrogated, and local ordinances on the subject are prohibited after that date. The act became effective June 6, 1973. This act is supplemental to existing statutes on the subject.

### Juries

The Statewide Grand Jury Act, House Bill 1845 (Chapter 73-132), authorizes the Governor in the public interest to petition the Supreme Court for an order impaneling a statewide grand jury to inquire into specified crimes or wrongs of a multi-county nature. Such

a jury, serving for a 12 month's term unless extended up to an additional 6 months, has statewide jurisdiction, but its subject matter jurisdiction is limited to the offenses enumerated in the act. It has the same powers and duties as do county grand juries, if consistent with this act. Its indictments and informations are certified for trial to the county where the offense was committed.

The Chief Justice of the Supreme Court designates a circuit court judge to preside and receive formal returns made by the statewide grand jury. The state attorney, appointed by the Governor and approved by the Supreme Court, is authorized to examine witnesses, present evidence and draft indictments, presentments and reports for the statewide grand jury.

Annually the Chief Judge of each circuit shall select by lot, from the persons certified for jury duty in each county, three persons for each 3,000 residents in each county and submit the lists to the State Courts Administrator, who will supply to the presiding judge of the statewide grand jury either a statewide list or a list from a designated circuit or circuits, depending upon the order of the Supreme Court. The presiding judge shall "by lot and at random" select the prospective statewide

grand jurors from the statewide list, or from the lists for the designated circuit or circuits, as the case may be; provided, he "shall select no less than one ... from each Congressional District in the State."

Each statewide grand jury shall be composed of 18 members, 15 of whom shall constitute a quorum. They shall receive \$25 per day and mileage. Fifty thousand dollars are appropriated for the fiscal year 1973-74. The act does not specify the number of jurors who must concur to return an indictment.

Senate Bill 445 (Chapter 73-194) provides that county grand jury reports or presentments relating to individuals and not accompanied by a true bill or indictment may not be made public until the individual has been provided a copy and has been allowed 15 days to file a motion to repress or expunge. Such a motion stays public announcement until final decision on the motion. This same provision is contained in House Bill 1845 (Chapter 73-132) with reference to statewide grand juries.

House Bill 849 (Chapter 73-1) creates Section 905.095, F. S., to authorize the state attorney or foreman of a county grand jury, acting on behalf of a majority of

the grand jury, to petition the circuit court to extend the jury term beyond the term of court in which it was originally impaneled. Extension shall be for a time certain, not to exceed 90 days, for the purpose of concluding one or more specified matters initiated during its original term.

#### Interstate Agreement on Detainers

House Bill 1497 (Chapter 73-287) enacts an interstate agreement on detainers to provide cooperative procedures for party states and to encourage expeditious and orderly disposition of charges for which detainers from other party states are pending. Proceedings may be initiated by either the prisoner or a party state in which charges are pending against a prisoner in another party state. Failure to bring the prisoner to trial within specified time limitations results in a dismissal of the charges with prejudice. This act is effective October 1, 1973.

#### Interstate Corrections Compact

House Bill 1498 (Chapter 73-288) enacted the Interstate Corrections Compact and placed all the powers and duties thereunder in the secretary of the Department of

Health and Rehabilitative Services. Party states by contracting with other party states may transfer prison inmates to an institution within the receiving state when necessary or desirable in order to provide adequate prison quarters, care, appropriate program of rehabilitation or treatment. The sending state pays the cost pursuant to the contract, retains jurisdiction over the inmate, receives regular reports on conduct and has the responsibility to institute extradition proceedings in case of escape to another jurisdiction. Transferred inmates retain all legal rights they would have had if confined in the sending state. Any law repealing the compact is not effective until one year after sending formal notice of withdrawal to other party states.

#### Other Crimes

Attempts. Senate Bill 866 (Chapter 73-142) provides that an attempt of a life felony is a felony of the second degree. This act became effective June 11, 1973.

Bingo. The bingo law, Section 849.093, F. S., is amended by Committee Substitute for Senate Bill 277 (Chapter 73-229) to permit organizations for profit to conduct bingo games if the proceeds are expended for

prizes. All persons engaged in the conduct of a bingo game, rather than just the operator, must be residents of the community where the sponsoring organization is located. The act further provides that bingo games may be held only on property owned or leased for a period exceeding one year by the charity or organization. A first conviction is a first degree misdemeanor, and a subsequent conviction is a third degree felony.

Breaking and entering. House Bill 252 (Chapter 73-257) amends Section 801.05, F. S., to provide that those who attempt to break and enter a dwelling, building, ship, airplane or railroad car with the intent to commit a misdemeanor shall be guilty of a felony of the third degree.

Educational institutions, disrupting. Committee Substitute for House Bill 1230 (Chapter 73-177) amends Section 877.13, F. S., to expand the prohibition on school campus or function disorders by including a prohibition against knowingly advising or counseling any pupil or employee to disrupt any school function or classroom, or to interfere with attendance of any other person, or to conspire to riot or to engage in any disruption or disturbance which interferes with the educational

process, in addition to the prohibition against any person disrupting any educational institution by his own activities.

Podiatry. House Bill 1144 (Chapter 73-76) increases the penalty for fraud in the practice of podiatry from a third degree misdemeanor to a third degree felony.

Tampering with motor vehicles. Senate Bill 483 (Chapter 73-181), effective October 1, 1973, creates Section 860.16, F. S., to provide that it is unlawful for any person to tamper or interfere with a motor vehicle or trailer in a manner causing the unloading of the cargo or contents, or causing mechanical malfunctioning of the motor vehicle or trailer. A first conviction is a misdemeanor of the second degree; a second or subsequent conviction is a misdemeanor of the first degree.

#### Arrest

Committee Substitute for House Bill 85 (Chapter 73-27) authorizes an arresting or booking officer to issue a written "notice to appear", in lieu of physical arrest, to a person arrested for a first or second degree misdemeanor or a violation, or a violation of a municipal or county ordinance when he determines in accordance with prescribed criteria that the accused will

probably respond to such notice. The issuance of a notice to appear does not diminish an officer's authority to conduct an otherwise lawful search nor his authority to take a person to a medical facility when appropriate. The act does not affect the operation of traffic violation bureaus, the issuance of traffic citations or the power to punish for contempt of court. Penalties for willful failure to respond to a notice are prescribed.

House Bill 847 (Chapter 73-271) amends the shoplifting law, Section 811.022, F. S., to authorize a peace officer to arrest either on or off the premises, without warrant, if he has probable cause for believing that the person has committed larceny.

#### Criminal Sentencing

House Bill 693 (Chapter 73-71) amends Section 921.161(1), F. S., to require that a defendant shall receive, in his sentence, credit for the entire time spent in county jail prior to sentencing.

#### Evidence

House Bill 757 (Chapter 73-361) amends Section 934.08(3), F. S., which relates to the authorization for disclosure and use of intercepted wire or oral

communications, by authorizing any person who has received, by any legal means, any intercepted information to disclose such information when giving testimony under oath in any investigation or proceeding in connection with the Judicial Qualifications Commission.

#### Courts

The Tenth and Nineteenth Circuits were each given an additional circuit judge, and eleven new county court judges were allocated to nine counties, by House Bill 2224 (Chapter 73-329).

Twice a year, February 1 and August 1, municipal courts are required to report their previous six month's case load to the Chief Judge of the Circuit by House Bill 1912 (Chapter 73-170).

#### Personnel

Senate Bill 464 (Chapter 73-227) amends Section 110.051, F. S., to exempt employees of the Department of Law Enforcement from the provisions of Section 110.061, relating to suspensions, dismissals, reductions in pay, demotions, layoffs and transfers of employees in the career service. As a prerequisite, however, the executive director of the Department of Law Enforcement must give

written notice to the Department of Administration within 20 days subsequent to the taking of such action.

Senate Concurrent Resolution 691 created a joint legislative committee for an interim study of existing civil service, merit system and benefit programs and the feasibility of establishing one uniform system and statewide minimum standards for all law enforcement officers and firemen.

#### Governor's Council on Criminal Justice

House Bill 814 (Chapter 73-384) authorized the Governor's Council on Criminal Justice to reimburse the Law Enforcement Assistance Administration \$10,302.92 out of available funds in the Block Grant Matching Trust Fund for disbursements made from federal funds which have been disallowed by the Law Enforcement Assistance Administration.

EDUCATION

General

Senate Bill 622 (Chapter 73-338) became the Omnibus Education Act of 1973. It created an environmental education program for the state educational system. Along with Committee Substitute for House Bill 1700 (Chapter 73-293), it established under the Department of Education a statewide public educational broadcasting system covering all broadcast media. It authorized the copyright, sale and distribution, under the direction of the Department, of educational materials and products developed in the state system of education, and it authorized the State Board of Education to prescribe the content and custody of limited access records which a community college or university may maintain of its students and employees.

Senate Bill 622 further revised the teaching load and evaluation provisions for university faculty members, with policies for recognizing and rewarding quality teaching required. It required college level exemption examinations to be made available to students at stated times. It created the community school

program and authorized the establishment of teacher education centers in school districts. It created a comprehensive health education program for pupils in kindergarten through grade 12 and established a program for the training and employment of reading/language arts resource specialists. The act provided for the development and maintenance of a limited access permanent cumulative record for each public school pupil, extended the leadership training program for school administrators, established a program of annual reports of progress for each school, and required the establishment of school advisory committees composed of parents and students. It revised the procedure for handling cash deposits of bid securities from textbook publishers and, along with Senate Bill 609 (Chapter 73-337), increased the percentage of textbook allocations a district may use for instructional materials not included on the adopted list. Present requirements for school sites were repealed and provisions for school site planning and selection were revised. Finally, the act authorized a pre-apprenticeship training program for students and extensively revised the laws relating to apprenticeship programs.

Senate Bill 1187 (Chapter 73-195) authorized

various measures by which students can proceed toward their educational objectives as rapidly as their circumstances permit at all levels in the state system.

### Universities

Senate Bill 967 (Chapter 73-184) gave veterans an additional 60-day period within which to make timely payment of registration fees in the state university system. Committee Substitute for House Bills 914 and 915 (Chapter 73-273) modifies the criteria for educational loans.

House Bill 1741 (Chapter 73-294) authorized temporary or provisional licenses of up to one year for independent colleges and universities. Colleges whose credits or degrees are accepted for credit by at least three institutions accredited by an agency recognized by the United States Office of Education or the State Board were excluded from licensing and regulation by the Board of Independent Colleges and Universities by Committee Substitute for Senate Bill 1312 (Chapter 73-252). House Bill 1109 (Chapter 73-91) excluded from licensing religious non-profit colleges whose only purpose is to train

students in religious disciplines and service.

#### Community Colleges

Senate Bill 390 (Chapter 73-232) provided a guaranteed minimum support for community colleges at the level of funding generated by the previous year's enrollment. House Bill 1034 (Chapter 73-163) authorized additional counties to be included within a junior college district, and House Bill 715 (Chapter 73-90) deleted the requirement for a teaching certificate for community college teachers and administrators. House Bill 717 (Chapter 73-267) separated community college capital outlay debt service from school district funds.

#### Public Schools - Administration

Senate Bill 1025 (Chapter 73-235) authorized each school district to establish and maintain a job placement and follow-up service for all students graduating or leaving the system, including area vocational-technical centers. The act also requires job placement personnel to point out curriculum deficiencies to the school board. Senate Bill 161 (Chapter 73-95) authorized an annual election for chairman of the school board and House Bill 1238 (Chapter 73-164) authorized the board to hold regular meetings at any appropriate place in a county. House

Bill 1299 (Chapter 73-137) provided for lunchroom funds to be deposited in the district school fund, instead of being an internal fund, effective July 1, 1974.

House Bill 513 (Chapter 73-265) permits admission to the first grade of a child six years of age by June 1 of the school year provided he attended kindergarten and passes a readiness test. House Bill 425 (Chapter 73-261) permits the admission at any time during the school year of a migrant child or one prevented from entering earlier by illness. House Bill 32 (Chapter 73-253) authorizes a one year maternity leave without pay for teachers. House Bill 899 (Chapter 73-162) permits the discipline or expulsion of a pupil for unlawful possession or use of drugs to be waived if the pupil successfully pursues a drug rehabilitation program.

#### Public Schools - Finance

House Bill 792 (Chapter 73-346) established a program of school safety funding to each school district.

Committee Substitute for House Bill 734 (Chapter 73-345) had an importance that transcended the 1973 Session and discussion of it has been saved to this final portion of this article. By this act, the Minimum Foundation Program which has financed and shaped Florida's public

schools since 1947 is replaced by the Florida Education Finance Program. It is still a state and county financial plan, with the required local share subtracted from the computed total needs of the school district to determine the balance to be met from state appropriations. The required local effort is still based on the total non-exempt property assessed valuation, with seven mills (on 95% of total valuation) required after 1973-74 and with a total requirement of \$324 million for the 1973-74 school year, divided among the districts in proportion to their 1973 valuations. There the similarity between the Minimum Foundation Program and the new program ceases.

The basic unit of the Minimum Foundation Program was the instruction unit (a classroom) based on average daily attendance, while the basic unit of the new program is the full-time student equivalent (FTE), which is primarily a student on a school membership roll 25 hours a week for 180 days a year, with variants for lower grades and for double session schools, a combining of part-time students, etc. The student membership of each school shall be surveyed and determined several times during the school year. All student memberships will be weighted by designated cost factors (which provide higher

amounts per student in many special programs) and multiplied by the base student cost figure, which is about \$587 per FTE for the new school year. The state share is multiplied by a cost of living index which increases the allocation to Dade, Broward and Palm Beach counties and reduces the share to 56 counties.

The transportation formula was changed to a per student basis with the number of transported students multiplied by an allowable cost per student based upon density of transported students. Also, funds were authorized for transporting students in passenger cars in isolated areas.

House Bill 734 further provided for the reimbursement of school districts for their tax losses from the additional homestead exemption. For the purpose of administering the motor vehicle license funds earmarked by the Constitution for school buildings, an instruction unit is designated as 23 FTE's.

A comprehensive information, accounting and assessment system must be developed by the Commissioner of Education within the next year. It must combine all the present information systems with cost accounting and reporting data for both the individual school and in the

aggregate for the district. All information necessary for management decisions must be collected and must be compatible from district to district. The system must provide essential management accounts and reports, but the number and complexity must be minimized. The provisions for reporting of exceptional students were amended to require that students be certified as exceptional by specialists before being so categorized. Reports to the parents and the Department are required.

Additional funds are provided for compensatory education and for ad valorem equalization. Each school district levying more than seven mills the previous year shall be entitled to a state supplement to insure that each mill levied above seven will produce at least 7% of the base student cost for fiscal 1973-74, and 8% thereafter. This is intended to increase the yield per child in property-poor districts from amounts as low as \$11 per mill to about \$40 per mill.

For the 1973-74 fiscal year, each district is guaranteed a minimum level which is the amount per instruction unit in 1972-73 from state funds, plus the amount that could have been collected from 10 mills on 100% valuation (1972), plus 5%. This unit value is then

applied to the 1973-74 units. From this total program allocation is subtracted what the district can collect from 10 mills on 1973 total valuation to get the state allocation.

The maximum amount of program funds which can be used for special programs for exceptional students is \$85,506,500. For students in the vocational-technical and adult programs the limit is \$154,439,500.

House Bill 734 provided for the funding of a number of categorical programs, the largest of which is for school construction and debt service. Each district's building needs are to be determined annually, with projections for five years and with computations of amounts needed for debt service and the resources available. The total state appropriation shall then be allocated among the districts according to their unfunded needs. Funds must be spent on the basis of surveys and by established priorities.

The State Board of Education is authorized to require the districts to use standardized or modular units, relocatable or rented facilities, and the latest designs and techniques. Schools constructed under state board regulations will be exempt from all other building

codes and ordinances, and local inspections must meet state board standards.

The transfer of decision making from the state to the districts and the individual schools is indicated by the repeal of MFP provisions on salary schedules, ranking of teachers, determination of units, recalculation and emergency teachers. The districts are given a total appropriation and much discretion in spending it. They are not required to hire a fixed number of teachers, supervisors, principals or other personnel. The individual school is to be the center of accounting and decision making.

ELECTIONS\*

One of the highlights of the 1973 legislative session was the enactment of Committee Substitute for House Bill 466 (Chapter 73-128), which, effective June 8, 1973, will provide substantial new provisions relating to the regulation of campaign finance activities. The primary effect of the act is to replace and expand section 99.161, Florida Statutes, which regulates campaign contributions and expenditures. In addition to revising and carrying forward previous regulatory provisions, some of the features of the new law are as follows:

Political committees which receive contributions or make expenditures in excess of \$500 per year are required to register with the Department of State and follow the same basic procedures as a candidate in carrying out their activities.

Cash contributions in excess of \$100 must be accompanied by a statement from the contributor as to the amount of, and the name of the person receiving, the contribution.

---

\* Prepared by James R. Lowe, Director,  
House Bill Drafting Service

For the purpose of determining maximum expense limits the first and second primary elections are to be treated as separate elections, rather than as a single election as previously treated.

A seven-member commission is created to hear allegations of violations concerning candidates for state office. The commission may be convened by the Secretary of State or at its own initiative to hear all available evidence concerning alleged violations. Hearings are to be held in closed session to protect candidates and witnesses from adverse publicity until findings have been made. The commission has full subpoena powers, and witnesses before the commission have the same procedural rights as witnesses before a legislative committee. At the conclusion of a hearing, the commission makes a determination as to whether probable cause exists to believe a violation has occurred and immediately makes its findings public. Upon a finding of probable cause by the commission, the Attorney General may institute appropriate legal proceedings, which may include suits for injunctive relief or the imposition of civil or criminal sanctions, or he may refer the issue to a state attorney for similar action.

Groups and organizations which intend to endorse candidates must file organization information with the officer before whom the intended endorsee qualified for office. Political advertisements used for purposes of making endorsements of candidates are required to contain certain statements as to the endorsing group's size and composition as well as a statement as to whether a candidate participated in financing the advertisement. Penalties are provided for violations. Political parties are exempted from the requirements of these provisions.

A candidate's name is to be omitted from the ballot if he has been convicted of violating specified prohibitions contained in the act.

Committee Substitute for House Bill 607 (Chapter 73-156) created the Electronic Voting Systems Act, the purpose of which is to authorize the use of electronic and electromechanical voting systems in which voters mark or punch ballot cards in such a way that votes may be counted by data processing machines. The Secretary of State is directed to examine all makes of such systems submitted to him and determine that the secrecy of the ballot is maintained, that the possibility of error and fraud are absent, and that the system lends itself to all

the necessary usages and tabulating capability otherwise provided for by the Election Code. The act also transfers the responsibility for prior approval and the establishment of bidding procedures to carry out the provisions of the Florida Voting Equipment Acquisitions Act from the Division of Purchasing of the Department of General Services to the Division of Elections of the Department of State.

House Bill 332 (Chapter 73-155) requires consolidation of county and municipal voter registration books into a single permanent system by January 1, 1974. The act provides that any person who is registered on the county books and who resides within a municipality shall thereafter be qualified to participate in all municipal elections. Provision is made for the conformance of precinct boundaries pursuant to agreement of the county and municipal governing bodies. The county is to furnish necessary equipment and materials and is to be partially reimbursed by the municipality.

Two new laws relating to the form or substance of the ballot itself were enacted. House Bill 185 (Chapter 73-75) deals with voting machine ballots in primary and nonpartisan judges elections when combinations of

horizontal and vertical ballots are used or when large or irregular numbers of candidates make the ballot confusing. The act authorizes an under-printing of light colors to be used to group and identify the candidates in any or all races. Candidates names are to be over-printed in black type. No particular color or pattern may be used to identify any political party. Committee Substitute for House Bill 363 (Chapter 73-7) requires that the enabling legislation which proposes the submission of a constitutional amendment or other public measure to a statewide vote of the people include a statement of the exact wording of the substance of the proposal as it is to appear on the ballot. Previously, the Department of State had the authority to paraphrase the substance of the proposal to be placed on the ballot.

There are also two new laws relating to absentee voting. House Bill 1890 (Chapter 73-157) expands eligibility for absentee voting in presidential elections to persons who have moved to another state within 30 days of a general election and who are ineligible to vote in that other state. The right to register absentee is extended to residents who are temporarily out of their county of residence. Modifications to the administrative

procedure of processing absentee registration and voting were also made with a view toward streamlining the system and complying with the new sixty-day residency requirement as well as the voting rights of those over 18. Senate Bill 406 (Chapter 73-105) permits an absentee voter the option of having his ballot certified by two witnesses of his choosing, rather than by one of the persons designated by statute (notary public, postmaster, etc.).

House Bill 1506 (Chapter 73-191) provides that when vacancies are required to be filled for party nomination to an elective office, such vacancies shall be filled by party rule, or in the absence of such rule, by the present statutory procedure which involves the appropriate executive committee of the party losing its candidate.

House Bill 1889 (Chapter 73-151) removes the requirement that the names of elections inspectors and clerks be published prior to election day and provides for the issuance by the Supervisor of Elections of a certificate to those who complete the presently provided training class for inspectors, clerks and deputy sheriffs.

HEALTH AND REHABILITATIVE SERVICES\*

The field of health and rehabilitative services received major treatment during the 1973 Legislative Session as several major programs were created or revised.

DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES

The programs, services and organization of the Department of Health and Rehabilitative Services were dramatically affected by the 1973 Legislature's actions in the following areas:

Aged

Attention to the needs and problems of the elderly was focused through passage of House Bill 404 (Chapter 73-114) which created a new Division of Aging within the Department. Complementing this organizational change came substantive legislation providing for community based service programs for the elderly. Committee Substitute for House Bill 105 (Chapter 73-343) called for pilot programs to be implemented by the Department in not less than three counties over a two year period with the goal of assisting functionally impaired elderly persons to

---

\*Prepared by Canter Brown,  
House Drafting Service

live dignified and reasonably independent lives in their own homes. Paralleling this experimental effort Senate Concurrent Resolution 231 created a select legislative committee on the aged to evaluate the problems of the elderly and to report their findings during the 1974 regular session.

#### Drug Abuse

With regard to the State's most serious drug problem, alcohol abuse and dependency, Committee Substitute for House Bill 462 (Chapter 73-263) delayed until October 1, 1974, the July 1, 1973, effective date of the repeal of intoxication and public drinking offenses provisions of the Comprehensive Alcoholism Prevention, Control, and Treatment Act, also known as the Myers' Act. During that period, local governments continue to have authority to enact ordinances affecting intoxication and public drinking offenses.

Narcotic and hallucineogenic drug abuse and regulation was broadly approached through passage of Committee Substitute for House Bill 1752, the Florida Comprehensive Drug Abuse and Control Act (Chapter 73-331). In the nature of a controlled substances act, the new law established five schedules of enumerated controlled

substances categorized by the drug's accepted medical use and potential for abuse. Conditions were then established for good faith dispensation of the substances by written and oral prescriptions and for administration of the substances by practitioners and persons in their absence. Manufacture, ordering, distribution and possession of the substances were affected and responsibility for enforcement of the act's provisions was lodged with, in addition to all peace officers, the Department of Law Enforcement and all state agencies which regulate professions or institutions affected by the act. A series of procedures and prohibited acts were established and appropriate penalties defined.

House Bill 1358 (Chapter 73-350) picked up where the Comprehensive Drug Abuse and Control Act left off. The bill provided that a court may require a defendant, charged with or convicted of certain crimes, to participate, in lieu of or in addition to final adjudication, in a drug rehabilitation program licensed by the Department of Health and Rehabilitative Services. The crimes listed were violations of the Uniform Narcotic Drug Law, the Florida Drug Abuse Law, and any violation of law committed while under the influence of narcotic drugs or medicine. Procedures

for referral to, admission to, and expulsion from the programs were provided. A drug abuse trust fund was established to provide a vehicle for reimbursement of program costs in accordance with a listed payment schedule. Senate Bill 1287 (Chapter 73-154) required that drug abuse treatment and education centers make provisions for hot lines and drug dispensing programs, provided for 90 day interim licenses for such centers, and prohibited drug dispensing programs not related to rehabilitative programs.

#### Emergency Medical Care

Major emphasis on the problems of emergency medical care was evident with the passage of Committee Substitute for House Bill 124 (Chapter 73-126), known as the Florida Emergency Medical Services Act of 1973. This legislation addressed itself broadly to the need for emergency services and encompassed creation of a state plan for emergency medical services, licensing of ambulance services, ambulance permits, certification and standards of personnel, creation of an emergency medical services advisory council, and establishment of a comprehensive emergency medical services communication system. In tandem with that effort, House Bill 447 (Chapter 73-262) provided for a program of grants to boards of county commissioners for the purpose of

fostering cooperation on a local level leading to availability and financing of emergency medical services.

### Mental Health

The 1973 Legislature extensively revised the Florida Mental Health Act, popularly known as the Baker Act, through Committee Substitute for Senate Bill 1321 (Chapter 73-133). The changes were generally of a procedural or technical nature recommended by professionals working in the area, but included a major revision of hearing procedures to maximize and safeguard patient rights. Substantively the act provided: that in emergency situations a noncriminal mentally ill person may be held in a jail for not more than five days; that consent must be obtained before application of general anesthesia or electroconvulsive therapy; and that immunity from prosecution is guaranteed to persons reasonably acting under the provisions of the law.

### Retardation

House Bill 2161 (Chapter 73-308) generally revised procedures for commitment, evaluation and release of retarded persons from the Sunland Centers, hereafter to be known as residential programs or centers.

Certification by an evaluation team from the Department was required for admission to a program or center and departmental assumption of guardianship was restricted to the situation where no alternative guardian is available. Attention was given to procedures to safeguard patient rights, including the assistance and presence of counsel, and the process of determination of competency was separated from determination of the appropriateness of admission to care or services. The same theme of protection and care was extended by Committee Substitute for House Bill 689 (Chapter 73-176) which required all persons to report abuse of developmentally disabled persons to the Department or face criminal penalties for failure to act, effective July 1, 1974.

Several bills related particularly to the Division of Retardation. House Bill 112 (Chapter 73-2) abolished the Advisory Council on Retardation. House Bill 111 (Chapter 73-86) provided authority for the Division to accept gifts and grants for programs for persons with cerebral palsy, epilepsy, or other neurological disabilities, and further authorized the Division to administer funds appropriated for programs for such persons. House Bill 1956 (Chapter 73-385) appropriated \$48,129 to

complete air conditioning of the Sunland Hospital in Tallahassee.

#### Youth Services

The treatment of juveniles by the State's judicial and rehabilitative service agencies was broadly revised by Committee Substitute for Senate Bill 292 (Chapter 73-231). Although the bill's major thrust involved changes with regard to court procedures and judicial prerogatives, significant provisions effected the Department of Health and Rehabilitative Services. Particularly important in this regard was the creation of new intake procedures for juveniles, responsibility for which was vested with the Department. These procedures included new processes for determination of delinquency and revised petitioning requirements for adjudication of delinquency. The Department was further effected by new time limitations which lowered from thirty days to fourteen days the maximum period of pre-trial detention and which limited to thirty days the post-trial predispositional waiting period.

Committee Substitute for Senate Bill 264 (Chapter 73-230) required the Department to develop and implement a state-operated, regionally-administered system of detention services for children. Initial implementation

will require establishment of nineteen catchment areas with each having a secure facility, attention homes, and a home detention program. The Department was further required to assume the operation of existing county secure detention facilities. Meanwhile, Senate Bill 1319 (Chapter 73-241) transferred policy control over juvenile delinquency from the Division of Youth Services to the Department, clarified alternative sentencing procedures for minors, authorized certain transfers to the Divisions of Mental Health and Retardation for diagnosis and evaluation, authorized Division of Youth Services' agents to take custody of delinquents or escapees, provided for hearings concerning furlough revocation, and directed the Department to keep records concerning persons served, for a period of 10 years after discharge or until the person served reaches age 21.

#### Miscellaneous

Also affecting the Department of Health and Rehabilitative Services were several bills of a miscellaneous nature. Senate Bill 389 (Chapter 73-99) provided that division directors are to be appointed by the Secretary of the Department rather than the Governor. Senate Bill 515 (Chapter 73-122) required inclusion of a doctor of

veterinary medicine on the advisory council to the Division of Health, and House Bill 404 (Chapter 73-114) created a Division of Children's Medical Services and transferred to it the functions of the former Florida Crippled Children's Commission.

## PUBLIC HEALTH

### Health Education

Section 17 of Senate Bill 622 (Chapter 73-338) created the "Comprehensive Health Education Act of 1973." This act provided for a health education program for children and youths (grades one through twelve) and vested responsibility for its administration with the Department of Education, pursuant to regulations adopted by the State Board of Education and in cooperation with the Department of Health and Rehabilitative Services. Programs are to include implementation of in-service education programs for teachers, administrators and others; reorientation and utilization of existing regional drug education resource centers for coordinating health education activities in the various regions; and design and development of programs for the selection and training of health education instructors from existing teaching staffs, persons employed in appropriate health

fields, and community volunteers.

#### Public Health Trust

Senate Bill 611 (Chapter 73-102) provided for the creation of public health trusts by the governing board of a county. Such trusts are authorized to own and operate facilities used in connection with the delivery of health care and were granted the governmental powers of a special district.

#### Telecommunications

The Division of Communications of the Department of General Services was authorized by House Bill 205 (Chapter 73-254) to formulate and implement a regional emergency medical telecommunications plan.

#### Prescriptions

Senate Bill 436 (Chapter 73-65) repealed the prohibition on refilling written or oral prescriptions.

#### MISCELLANEOUS

#### Interstate Corrections Compact

House Bill 1498 (Chapter 73-288) established Florida as a member of the Interstate Corrections

Compact. The Compact empowers the Department of Health and Rehabilitative Services to enter into contracts with other member states for the confinement of inmates convicted or committed in Florida in facilities of such other states and to enter into contracts also for the purpose of housing inmates from other member states in Florida facilities. It provides procedures for transfer of inmates, payment of expenses, and the holding of hearings, as well as guaranteeing access to an inmate by the original transferring state. The Department was authorized to delegate responsibilities for carrying out the Compact to the Director of the Division of Corrections.

#### Medical Review Committees

Proceedings of medical review committees were partially exempted from discovery by House Bill 1104 (Chapter 73-50).

#### Sanitarian's Registration Board

Senate Bill 117 (Chapter 73-36) authorized the board to fix application and renewal fees.

#### Nursing Homes

Senate Bill 560 (Chapter 73-204) generally revised

the law concerning registration and licensing of nursing home administrators. Provision was made for 90 day emergency licenses and for the position of an administrator-in-training.

INSURANCE<sup>\*</sup>

Insurance legislation of the 1973 session was characterized by a variety of adjustments in coverages, limitations, and operating procedures.

General

The maximum interest rate on borrowings by domestic insurers repayable from excess surplus was increased from 6% per annum to 8% per annum by House Bill 1245 (Chapter 73-165).

Life Insurance

Senate Bill 366 (Chapter 73-30) permits life insurance policies to provide either fixed or variable benefits or both. Insurers are required to maintain separate accounts and adequate reserves as to each, estimated in accordance with actuarial procedures that recognize the variable benefits and any mortality guarantees. All variable contracts must provide minimum cash values. The Department of Insurance was vested with sole authority to regulate the issuance and sale of variable contracts and appropriate provisions of the insurance code were made applicable to

---

\*Prepared with assistance of Huey Ray,  
Staff Director, Senate Commerce Committee

them. Senate Bill 352 (Chapter 73-31) amended provisions relating to life insurance agents to include annuities or variable contract classes of licenses.

House Bill 1827 (Chapter 73-324) amended the minimum standard for the valuation and non-forfeiture laws to prescribe higher interest rates for calculating minimum reserves for newly-issued life insurance policies and, for individual annuity and pure endowment contracts, also updated the mortality tables to 1971. Non-recurring expense items were excluded from calculation of net premiums and the allowable interest rate for calculating cash surrender values and paid-up benefits was increased from 3-1/2 to 4 percent.

House Bill 609 (Chapter 73-246) had the effect of removing the limitation on the amount of group life insurance that can be issued to a person under policies issued to an employer or a labor union or a fund established by either of them. It repealed Section 627.557, F. S., which currently prohibited group life policies which provide term insurance coverage in excess of \$20,000 for persons paid up to \$10,000 per year and twice the annual compensation for those paid over that amount. It also prohibited policies which unfairly discriminated in favor of officers, employees who are directors, partners

or proprietors. House Bill 1891 (Chapter 73-363) removed the prohibition on the inclusion, in credit life and credit disability insurance, of life or disability insurance sold in connection with real estate loans of more than 36 months' duration.

#### Property and Casualty Insurance

House Bill 1222 (Chapter 73-118) increased the maximum amount of industrial fire insurance that can be written on one risk from \$5,000 to \$10,000, including building and contents. Committee Substitute for House Bill 349 (Chapter 73-259) excluded from the windstorm insurance apportionment plan insurers who are authorized to transact property insurance in the state but who do not issue policies providing windstorm coverage on property. An insured's liability for catastrophic losses in one year was limited to 5% of its statutory policyholders' surplus allocable to Florida operations. However, if losses exceed the 5% limit for all participating insurers, the limit is increased by percentage points as necessary to pay the incurred losses. This act further defines properties eligible for windstorm coverage under the plan as including dwellings, buildings, structures, mobile homes used as dwellings that are tied down in

compliance with mobile home tie-down requirements prescribed by the Department of Insurance, and the contents of such properties. Further, Senate Bill 553 (Chapter 73-182) prohibited the issuance of insurance against damage from windstorm on mobile homes used as dwelling places and located on a particular location for more than 14 days unless the mobile home is anchored and tied down in accordance with standards adopted by the Department of Highway Safety and Motor Vehicles; however, failure to anchor or tie down in accordance with the standards does not relieve an insurer from its obligations under a policy, if issued.

Insurers writing no-fault automobile insurance were required by Senate Bill 508 (Chapter 73-153) to file annually their actual premium, incurred losses and expense experience on those coverages for the preceding three years. Underwriting profits in excess of the amount budgeted for profit and contingencies in a company's rate filings must be refunded or credited to its policy holders.

The proposed increase in required bodily injury liability limits for proof of financial responsibility were repealed by Senate Bill 49 (Chapter 73-180). Instead, required bodily injury amounts of \$15,000 per person and

\$30,000 per accident were provided, effective July 1, 1975. In addition, uninsured motor vehicle coverage was extended to include under-insured vehicle coverage and the uninsured coverage was increased to the amount of the liability insurance purchased by the insured for bodily injury unless the insured selects a lower authorized limit.

#### Premium Finance

Premium finance companies are required by House Bill 348 (Chapter 73-134) to maintain a net worth of \$35,000 or post a bond or collateral in that amount. Present companies which do not have that net worth have three years in which to attain it.

#### Administrative and Miscellaneous

In connection with waiving the sovereign immunity of the state and its public bodies, Committee Substitute for House Bills 315 and 376 (Chapter 73-313) designated the Department of Insurance to receive reports of claims against state agencies, to defend them, and to make reports concerning them.

Moneys received or on deposit in the LPG Administrative Trust Fund, Municipal Firemen Pension Trust

Fund, Municipal Police Officers Retirement Trust Fund, State Fire Marshal Trust Fund, and Publications Trust Fund were transferred to the Commissioner's Regulatory Trust Fund by House Bill 706 (Chapter 73-136).

Senate Bill 431 (Chapter 73-64) authorized the purchase of insurance on state-owned watercraft and related equipment other than physical damage insurance. The prohibition on purchase of re-insurance on certain items was reworded to bar excess insurance instead. The display of evidence of insurance was made a part of motor vehicle inspections by Committee Substitute for Senate Bill 367 (Chapter 73-48).

The presumption that certain diseases of publically-employed firemen are accidental and suffered in line of duty, provided by Section 112.18, F. S., was made applicable to life insurance, disability insurance, and workmen's compensation by Senate Bill 847 (Chapter 73-125) and negotiation for coverage in existing policies was authorized.

LEGISLATURE

The monthly reimbursement for intradistrict expenses for members of the Legislature was extended by House Bill 156 (Chapter 73-113) to include rental of office furniture and equipment, telegrams, answering service, post office box rent, office supplies, photocopies, legal advertising, and other types of district expense when specifically authorized by the Joint Legislative Management Committee.

The presiding officer of each house was given authority for the assignment of parking spaces in its respective office building, in place of the Department of General Services, according to House Bill 1059 (Chapter 73-34).

Committee Substitute for House Bill 363 (Chapter 73-7) provides that the ballot summary of constitutional amendments and other measures to be voted on statewide shall be embodied in the enabling legislation, instead of being prepared by the Department of State. Senate Bill 254 (Chapter 73-139) provides that the Governor shall submit a biographical data sheet concerning his appointees when they are submitted to the Senate for confirmation.

An annual audit of the records of the Legislative Auditing Committee and the Auditor General by a licensed certified public accountant is provided by House Bill 182 (Chapter 73-78). House Bill 281 (Chapter 73-6) provides for an annual rotation of the chairmanship of the Legislative Auditing Committee. Senate Concurrent Resolution 481 confirmed the appointment of E. O. Ellison as Auditor General. Authority of the Auditor General and of the Legislative Auditing Committee over post audits of the legislative and governing bodies of counties, school districts and other county and fiscal officials was provided by Committee Substitute for Senate Bill 912 (Chapter 73-234), which also made provision permitting post audit of other authorities, boards and branches by certified public accountants paid from their public funds.

Special study groups authorized by the 1973 session include the following:

Florida Energy Committee  
House Bill 1491 (Chapter 73-130)  
(4 Senate, 4 House, 7 Governor)

Ad Valorem Tax Administration  
House Bill 1331 (Chapter 73-172)  
(5 Senate, 5 House)

Uniform Probate Code  
House Bill 2070 (Chapter 73-307)  
(7 Senate, 7 House)

Committee on Aging  
Senate Concurrent Resolution 231  
(6 Senate, 6 House)

Personnel Systems for Law Enforcement  
Officers  
Senate Concurrent Resolution 691  
(5 Senate, 5 House)

Central Florida Transportation Corridor  
House Concurrent Resolution 1794  
(5 Senate, 5 House)

FLORIDA STATE LEGISLATURE  
1973 REGULAR SESSION - APRIL 3-JUNE 6  
STATISTICS

	<u>S E N A T E</u>		<u>H O U S E</u>		<u>T O T A L</u>	
	<u>Introduced</u>	<u>Passed</u>	<u>Introduced</u>	<u>Passed</u>	<u>Introduced</u>	<u>Passed</u>
General Bills	1242	148	1814	260	3056	408
Joint Resolutions	22	0	33	4	55	4
Local or Limited Application	48	30	286	236	334	266
Concurrent Resolutions	38	19	36	12	74	31
Resolutions	13	0	12	0	25	0
Memorials	9	2	26	1	35	3
Withdrawn Prior to Introduction	0		18		18	
Total	1372	200	2225	513	3597	712
Approved By Governor		133		239		372
Became Law Without Signature		41		247		288
Vetoed By Governor		3		10		13
Bills to Conference Committee		3		7		10
Bills Amended		142		352		494
Committee Substitutes		132		263		395
Failed to Pass Senate by Vote		3		1		4
Failed to Pass House by Vote		1		5		6
Unfavorable Committee Report in Senate		90		7		97
Unfavorable Committee Report in House		3		86		89
Died in Senate Committees		579		10 (L)		589
Died in House Committees		52		921		970
Died on Senate Calendar		202		11 (L)		215
Died on House Calendar		17		2		19
Died in Messages		2		6 (L)		8
Automatically Prefiled House Bills				391		

LOCAL GOVERNMENT<sup>\*</sup>

Several important measures affecting local governments were enacted by the 1973 regular session of the Florida Legislature. Probably the most important piece of legislation passed is the "Municipal Powers Home Rule Act". This law expresses the intent of the Legislature in carrying out the municipal home rule provisions of the State Constitution, that is, a municipality may exercise any power for municipal purposes except when expressly prohibited by law. This intent is also expressed by the repeal of numerous general law limitations on municipal powers.

This Legislature also enacted a law revising completely the "Florida Revenue Sharing Act of 1972" and creating the "Uniform Local Government Financial Management and Reporting Act". The latter provides for financial reporting by all units of local government.

The various enactments of the 1973 regular session which affect units of local government in some manner or those which are local in nature are briefly discussed below.

---

\* Prepared by: Hal R. Shanks, Attorney  
Senate Legislative Services

Abatement by Board of County Commissioners  
of Nuisances to Small Inland Lakes

House Bill 826 (Chapter 73-147) provides procedures whereby relief from water pollution and shore erosion may be granted owners of land abutting small inland lakes. Whenever owners of more than fifty percent of the land abutting a lake petition the board of county commissioners alleging the lake waters are being polluted or the shores eroded by a certain activity constituting a nuisance, the board may, upon the recommendations of the appropriate state agencies, enact an ordinance to abate such nuisance. Violation of such ordinance is a misdemeanor of the second degree. (See also CONSERVATION AND NATURAL RESOURCES)

Cape Canaveral

Senate Bill 217 (Chapter 73-369) restores the name "Cape Canaveral" to the historical land mass on Florida's east central coast formerly known as Cape Kennedy.

Clerks of the Circuit Courts

House Bill 1342 (Chapter 73-282) provides that the clerk of the circuit court in each county shall estimate his projected financial needs for the county and invest any funds in designated depository banks in interest bearing certificates or in any direct obligations of the

United States. All investments shall be open for bid to all qualified depositories in the county. In the event two or more banks submit the same bid, the moneys shall be divided and deposited in each bank, so long as no interest income is lost. If at the time of bid, the dollar return on direct obligations of the federal government is greater than the highest bank return, then the clerk shall invest in the higher return security. Moneys deposited in the registry of the court shall be deposited in interest bearing certificates at the clerk's discretion, subject to the same guidelines. The clerk shall not be liable for the loss of any interest where circumstances require the withdrawal for immediate payment of county obligations. In the event local banks refuse to bid, the clerk may request and receive bids from banks in other counties within the state and make such deposits to the successful bidder. After the end of each fiscal year, each clerk is required to report to the county governing authority, the total interest earned during the preceding year. Effective July 1, 1973.

#### County Books and Records

House Bill 862 (Chapter 73-272) authorizes the legislative and governing body of a county to employ an

independent accounting firm to audit the county's books and records. Accounting firms employed by any person or business receiving more than ten thousand dollars in compensation from the county during the auditing period do not qualify as independent accounting firms. Five copies of each complete audit report are to be filed with the clerk of the circuit court and maintained there for public inspection. Effective October 1, 1973.

#### County Charter Commissions

Committee Substitute for House Bill 1621 (Chapter 73-290) provides that vacancies in a county charter commission shall be filled within thirty days. Previously, no time limitation was imposed. This law further authorizes the board of county commissioners to extend the eighteen month time limit in which the charter commission is required to present to the board of county commissioners a proposed charter. Effective October 1, 1973.

#### County Jury Commissions

Senate Bill 913 (Chapter 73-210) provides that counties exceeding one hundred twenty thousand in population and having an approved computerized jury selection system may elect to abolish their jury commission and

empower the court administrator to perform the duties of the jury commission.

#### County Lands Acquired for Delinquent Taxes

Committee Substitute for House Bill 378 (Chapter 73-260) deletes the statutory language prohibiting a county from selling or otherwise disposing of lands acquired by the county for delinquent taxes.

#### County or Municipal Free Libraries

House Bill 1428 (Chapter 73-138) changes the method of computing state funds to be granted for county or municipal free library operations from the basis of funds appropriated for the same fiscal year to local funds expended during the preceding fiscal year, and eliminates the twenty-five cents per capita maximum grant permissible. Certified copies of local appropriations for library service are acceptable whenever free public library service is established for the first time. Equalization grants are to be based upon the ratio of the county's contribution to the state full value of assessment of property to the actual contribution to actual assessment of the state, in lieu of the relative per capita index of taxpaying ability. The maximum

establishment grant permitted is increased from twenty thousand dollars to fifty thousand dollars. Construction grants are authorized on a fifty percent minimum matching basis. The Division of Library Services is authorized to accept and administer appropriations for library program grants and to make such grants in accordance with the Florida long-range program for library services.

#### County Public Health Trusts

Senate Bill 611 (Chapter 73-102) authorizes a county to establish a public health trust which is operated through its board of trustees consisting of not less than seven nor more than twenty-one members appointed for staggered terms of not more than four years by the governing body of the county. The trust is authorized to take over from the governing body of the county the operation and maintenance of designated health care facilities. Methods whereby the public health trust accounts to the county regarding receipt and expenditure of funds, include bond issues and borrowing money, are to be prescribed by the county. The rights of public employees are preserved under existing retirement systems. The public health trust is given, subject to limitation by the governing body of the county, all powers necessary

to operate the designated health care facilities, including specific enumerated powers. This law permits the governing body of the county to provide an appellate process, a procedure for action on contracts between the trustees and labor unions, a method to declassify "designated facilities", and permits the county to assume ownership and operation of the facilities. The public health trust is prohibited from levying taxes or issuing bonds. Employees of the public health trust are included in the state retirement system. The public health trust is an agency of the state with regard to statutes of limitations and filing caveats. Effective July 1, 1973. (See also HEALTH & REHABILITATIVE SERVICES)

#### County Regulation of Salt Water Fish

Senate Bill 750 (Chapter 73-208) prohibits the legislative and governing body of a county from regulating the taking or possession of salt water fish, and repeals all county ordinances purporting to do so. Effective October 1, 1973. (See also CONSERVATION & NATURAL RESOURCES)

#### County Seats

House Bill 1149 (Chapter 73-320) authorizes the

board of county commissioners to expand the geographical area of the county seat of its county beyond the corporate limits of the municipality named as the county seat.

#### County Surplus Funds

House Bill 1072 (Chapter 73-83) redefines county surplus funds as funds which will not be needed within a reasonable time period after investment. A reasonable time period was substituted for a ten day period.

#### County Surveyors

Senate Bill 146 (Chapter 73-47) abolishes the office of county surveyor, deletes references to county surveyors in the Florida Statutes, and repeals provisions in the Florida Statutes relating to county surveyors. Effective October 1, 1973.

#### Credit Unions

House Bill 605 (Chapter 73-245) allows a public board to provide, without charge, space in a public building to a credit union serving the board's employees.

#### Deputy Clerks of the County Courts

House Bill 2008 (Chapter 73-297) authorizes clerks of the county court to appoint deputies to exercise the

full powers of the clerk or to have specified limited powers. Municipal clerks or their deputies appointed as deputy clerks of the county court are deemed to have been given additional duties rather than an appointment to a new office and shall not be additionally compensated by the state or county but may receive additional compensation from the municipality. Clerks of the circuit court acting as clerks of the county court or deputy clerks of the county court are authorized to administer oaths, take affidavits and issue warrants relative to violations of municipal ordinances.

#### Disqualification of Criminals from Employment

Committee Substitute for Senate Bill 592 (Chapter 73-109) amends provisions relating to the disqualification of felons from employment, by including municipalities along with the state and its agencies and political subdivisions which shall not bar a person from employment solely because of prior conviction for a crime. This law provides that a person may be denied employment by reason of the prior conviction if the crime was a felony or first degree misdemeanor and directly relates to the position of employment sought. Where civil rights have been restored, a person shall not be disqualified solely by the prior

conviction from practicing or engaging in any occupation, etc., which requires a license, permit or certificate to be issued. A person may be denied a license, permit or certificate by reason of the prior conviction if the crime was a felony or first degree misdemeanor and directly relates to the specific occupation, etc., for which the license, permit or certificate is sought. An applicant for employment with any fire department with a prior felony conviction shall be excluded from employment for four years after expiration of sentence or final release unless the applicant has received a full pardon or has had his civil rights restored.

#### Firemen

Senate Bill 847 (Chapter 73-125) amends provisions relating to life and disability insurance for firemen, to provide that firemen and their insurers may negotiate contracts providing that tuberculosis, heart disease, or hypertension are presumed to be accidental and suffered in the line of duty. Governmental entities, including special tax districts, employing firemen, are specifically empowered to negotiate insurance contracts including this presumption. Effective July 1, 1973. (See also INSURANCE)

Florida Revenue Sharing Act of 1972/Uniform Local  
Government Financial Management and Reporting Act

Committee Substitute for House Bill 1176 (Chapter 73-349) revises completely the "Florida Revenue Sharing Act of 1972" and creates the "Uniform Local Government Financial Management and Reporting Act". The "Florida Revenue Sharing Act of 1972", as revised, creates revenue sharing trust funds for counties and municipalities. This law provides for eligibility requirements for units of local government to participate in revenue sharing beyond the minimum entitlement for any quarter during any fiscal year and also for apportionment among the counties and municipalities based on certain formulas. Local governments are not to use any portion of the moneys received in excess of the guaranteed entitlement to assign, pledge, or to set aside as a trust for the payment of principal or interest on forms of indebtedness. The Department of Revenue is responsible for the administration of this part.

This law further creates the "Uniform Local Government Financial Management and Reporting Act" which provides for financial reporting to the Department of Banking and Finance by units of local government. Every

unit of local government is required to begin its fiscal year on October 1 of each year and end on September 30. This law eliminates the requirement that county budgets be filed with the Department of Banking and Finance and provides that the budget shall conform to the uniform classification of accounts prescribed by the appropriate state agency, instead of by the department. The Department of Administration is required to file an annual report as to the appeals made by sheriffs and its rulings thereon. This law also adds provisions relating to municipal assessment rolls, and county, municipal, school and special district millages. Effective July 1, 1973.

#### Municipal Home Rule Powers Act

Committee Substitute for House Bill 1020 (Chapter 73-129) substantially revises the law relating to municipalities by creating the "Municipal Home Rule Powers Act" and repealing provisions relating to various powers and functions of municipal government. The following provisions of the Florida Statutes are repealed by this law: general powers of municipalities, police power of municipalities, power of municipality to borrow money, municipal electric and gas plants, civil service for police and firemen in cities and towns of one hundred

twenty-five thousand population or less, municipal zoning, municipal tax adjustment boards, municipal revenue bond refinancing law, municipal parking facilities, and municipal sewer financing. The "Municipal Home Rule Powers Act" provides for powers, charter amendments, electors, procedure for adoption of ordinances and resolutions, municipal borrowing, municipal finance and taxation, fiscal year from October 1 to September 30, and eminent domain. Certain special acts are converted into municipal ordinances on the effective date of this law. Generally, this law gives to municipalities the broad exercise of home rule powers granted by the State Constitution. Municipalities may exercise powers not expressly prohibited by the State Constitution or by law. Effective October 1, 1973.

#### Police and Other Personnel

Senate Bill 923 (Chapter 73-111) requires employing agencies to report to the Police Standards Council the employment, appointment or termination of employment or appointment of any police officer or of a part-time or auxiliary police officer. Upon receipt of notice of termination, the police officer's certificate for employment shall be deemed temporarily inactive. Procedures

are provided for the future employment of a police officer whose certificate has become inactive and for the reinstatement of such inactive certificate of employment. Effective October 1, 1973.

Senate Concurrent Resolution 691 proposes an interim study by a joint select committee of the Legislature of the various forms of career and civil service and merit systems and benefit programs in Florida, and provides for a report as to the feasibility of creating minimum standards of career and civil service for law enforcement officers and firemen. (See also LEGISLATURE)

#### Ports

Senate Bill 627 (Chapter 73-206) changes the board of pilot commissioners to the board of port wardens and pilot commissioners. The number of pilots authorized for specified ports is increased, and the board may appoint such number of pilot apprentices as the board may deem sufficient. The board is also required to set reasonable nonrefundable license fees not to exceed one hundred dollars. The board is required to make and promulgate rules and regulations for the government and protection of the port. The restriction that rules and regulations could not conflict with the rules and regulations of the

Department of Health and Rehabilitative Services is eliminated. The per diem for quarantined pilots is increased to twenty-five dollars per day. The board is authorized to appoint marine surveyors to examine vessels and goods. The requirement that the board personally attend auction sales is eliminated. The proceeds of such auction sales are required to be delivered to the board for distribution to the appropriate parties in interest. The board is required to set reasonable fees for licensing stevedores. The maximum bond for stevedores is increased to ten thousand dollars. The board shall also establish speed zones and anchorage areas. Pilots are required to have a physical examination once every five years. Retired or disabled pilots are required to so notify the board, upon which the board shall declare the license null and void.

House Bill 2082 (Chapter 73-601) provides that the board of pilot commissioners of Pinellas County shall appoint and license pilots of any port or harbor on Tampa Bay, Hillsborough Bay or Manatee Bay, with the consent of their respective board of pilot commissioners for the Port of St. Petersburg.

Postaudits of Accounts and Records  
of County Agencies, etc.

Committee Substitute for Senate Bill 912 (Chapter 73-234) amends provisions relating to audits by the Auditor General with respect to counties. The Auditor General has the power and duty annually to make post-audits of all county agencies defined as meaning the governing body of counties, school and junior college districts, court clerks, sheriffs, tax assessors, tax collectors and other officers with fiscal duties. The postaudits and performance audits shall be made whenever determined by the Auditor General or whenever directed by the Legislative Auditing Committee or whenever otherwise required by law or concurrent resolution. Other county and district authorities, boards, bureaus and similar administrative offices have the power and duty to require an annual postaudit paid from their public funds, except on prior notification that the Auditor General shall conduct the audit.

Public Defenders

Senate Bill 1368 (Chapter 73-216) eliminates the authority of a county or municipality to provide funds for a public defender representing a person who is under

arrest for, or is charged with, a violation of a county or municipal ordinance in the county court. This law also provides that appropriations for the offices of public defender shall be determined by a funding formula based on such other factors as may be deemed appropriate and not solely on population. Counties are required to provide office space and other services, and the standards for such office space and other services shall not be less than those promulgated by the Department of General Services. Effective July 1, 1973.

#### Public Funds

Committee Substitute for Senate Bill 271 (Chapter 73-98) prohibits the use of public funds for dues or contributions to associations, groups or organizations whose records are not open for public inspection. Effective October 1, 1973.

#### Record and Inventory of Certain Property

House Bill 261 (Chapter 73-87) amends provisions relating to the record and inventory of tangible personal property of a nonconsumable nature owned by a governmental unit, by increasing the value of the property to be identified, recorded and inventoried

from twenty-five dollars or more to one hundred dollars or more.

#### Salaries of Certain County Officials

Committee Substitute for House Bill 2144 (Chapter 73-173) amends provisions relating to the compensation of certain county officials. Effective July 1, 1973, salaries are increased, according to new calculation methods based upon the latest population figures prepared by the Department of Administration, for the following county officials: board of county commissioners, district school board, clerk of the circuit court and county comptroller, sheriff, superintendent of schools, supervisor of elections, tax assessor, and tax collector. No person, however, shall be allowed to receive an increase in salary in any one fiscal year in excess of twenty percent of his total compensation for the preceding fiscal year. The acceptance of salary for official duties from any source other than as allowed by this law is a misdemeanor of the first degree. All laws which permit additional compensation are repealed to the extent of such compensation. Beginning October 1, 1974, the salaries for the designated county officials shall be annually adjusted by a factor based upon the United States

department of labor consumer price index. Effective October 1, 1973.

#### Special Facilities for Physically Disabled

Committee Substitute for House Bills 212, 655, and 678 (Chapter 73-255) amends provisions relating to special facilities for the physically disabled, to include all state or local government buildings or facilities and to provide that the cost of remodeling as a percentage of the building's fair market value will determine the level of conformity with the standards and specifications established by the Department of General Services. These provisions do not apply to buildings or facilities existing on October 1, 1973. Further, regulations regarding such standards may be modified or waived by the Department of General Services. Effective October 1, 1973.

#### Water and Sewer System Regulatory Law

Committee Substitute for Senate Bill 943 (Chapter 73-193) removes Duval County, Jackson County, Lake County and Pasco County from the list of counties exempted from the Water and Sewer System Regulatory Law, thus placing the utilities in those counties under the regulation of

the Florida Public Service Commission. This law creates and establishes a study commission to study utilities in the City of Jacksonville. This commission is composed of fifteen citizens of Duval County appointed by the Governor upon the advice and consent of the Duval County legislative delegation. The commission shall exist for eighteen months, and shall submit its final report to the Duval County legislative delegation and the council of the City of Jacksonville not later than thirty days prior to the 1974 regular session. Fifty thousand dollars is appropriated from the general revenue fund of the City of Jacksonville for the expense of the commission. After July 1, 1973, the City of Jacksonville shall fix rates of private utility, water and sewerage companies having not less than twenty-five connections according to the same procedure and criteria utilized by the Florida Public Service Commission. The provisions relating to the study commission and the fixing of rates by the City of Jacksonville are effective July 1, 1973, and the remaining provisions are effective September 1, 1974.

#### Voter Registration

Municipal registration of voters is merged into county registration by House Bill 332 (Chapter 73-155). See ELECTIONS, page 100.

MOTOR VEHICLES AND TRANSPORTATION

TRAFFIC CONTROL

Senate Bill 876 (Chapter 73-310) made it unlawful for a public body or official to purchase traffic control signals, guide signs or devices that do not conform with the Department of Transportation manual. A public agency erecting or installing a nonconforming device or signal may not install another state-paid signal for five years without Department of Transportation approval and further violation is cause for withholding state funds for traffic control purposes.

Driving in a school zone at a speed greater than posted is prohibited by House Bill 556 (Chapter 73-161). Wearing of headsets while driving is prohibited by House Bill 194 (Chapter 73-4).

The police departments of chartered municipalities were authorized by Committee Substitute for House Bill 800 (Chapter 73-24) to employ as traffic accident investigating officers individuals who do not meet uniform minimum police standards but who have received other prescribed training. Such officers are authorized to issue citations for traffic offenses observed in connection

with the accident investigation.

Senate Bill 299 (Chapter 73-336) requires railroads to exercise reasonable care for the safety of motorists at highway crossings, and requires motorists to exercise reasonable care for the safety of themselves, their passengers, and the train crews. Action by Congress to require reflectorized markings on all railroad cars was urged by Senate Concurrent Resolution 980.

#### MOTOR VEHICLES

##### Equipment and Inspection

Evidence of insurance as required by the financial responsibility law must be presented at the same time a motor vehicle is inspected according to Committee Substitute for Senate Bill 367 (Chapter 73-48). House Bill 626 (Chapter 73-89) defines the required exhaust system as including muffler, manifold pipe and tail piping to prevent excessive or unusual noise. Committee Substitute for House Bills 93 and 353 (Chapter 73-174) requires vehicles hauling aggregates and other materials to be equipped so as to prevent the material falling, blowing or otherwise escaping from the vehicle. Tampering with a vehicle or trailer or interfering with either so as to make it inoperative or its

cargo unloaded or damaged was made a misdemeanor by Senate Bill 483 (Chapter 73-181).

The provisions of the vehicle damage release sticker law enacted in 1972 which required accident investigating officers to affix a sticker to damaged vehicles and making it unlawful to repair a vehicle without a sticker were repealed by Senate Bill 211 (Chapter 73-25) and the remainder of the law was amended to make it a duty of a garage or repair shop to report to the nearest police a vehicle which shows evidence of having been struck by a bullet.

#### License Plates

Confidential license plates can be issued for motor vehicles of law enforcement agencies of the state, county, municipal and federal governments only after the agency has filed a written statement that the plate will be used for activities requiring concealment of motor vehicles and stating the position classification of the individual or individuals authorized to use the plate, pursuant to Senate Bill 175 (Chapter 73-37). All other state vehicles are required to display a license plate of the type prescribed in Section 370.07(2), Florida Statutes.

Fees for truck tractors and for trailers drawn by

them by a fifth wheel arrangement were revised by House Bill 1383 (Chapter 73-284). The tractor fees are based on the gross weight of tractor, semi-trailer and load on a graduated schedule as stated at time of registration. Trailer fees are \$10 per year flat. Penalty for hauling in excess of declared weight is payment of proper fees and \$50 civil penalty. Provisions are included for semi-annual registration of tractors.

Tag fees for motor homes and chassis-mount campers were divided into two weight classes by Senate Bill 97 (Chapter 73-197): Those less than 4,500 pounds, \$20 flat; those 4,500 pounds or more \$35 flat. House Bill 208 (Chapter 73-244) authorized "Q" tags for antique trucks with a net weight of not more than 3,000 pounds, more than 20 years after their year of manufacture. Community service vans of the Seventh-Day Adventist Church are authorized to receive exempt tags under Senate Bill 153 (Chapter 73-198). The state share of mobile home fees was clarified by House Bill 81 (Chapter 73-342) which clarifies the reporting as the county in which the mobile home is located rather than where the fee is collected. The stamping of plates for members of Congress was revised by House Bill 190 (Chapter 73-3).

### Driver Licensing

The issuance of identification cards for persons who do not hold a driver's license is authorized by Committee Substitute for Senate Bill 1068 (Chapter 73-236). The card is to be designed so it does not resemble a driver's license. Cards are issued for 4-year periods and are renewable within six months thereafter. Any record is destroyed if not renewed within that time. Improper usage of cards is prohibited. Act is effective July 1, 1974.

Distinctive markings or color of driver licenses for persons under 18 is prescribed by Senate Bill 1144 (Chapter 73-237), which dropped the requirement for a red color. Period within which a new resident must secure a driver's license was extended to 30 days by Senate Bill 1146 (Chapter 73-238).

### Road Tax

The annual period for the motor carrier's road tax was changed by House Bill 809 (Chapter 73-347) from beginning July 1 to beginning on January 1. Use of an identification device other than a plate was authorized. Prorating of annual taxes less than \$50 was deleted.

## TRANSPORTATION

Assurance of the repayment of funds appropriated from the general revenue fund for Interstate Highway purposes is provided by House Bill 2223 (Chapter 73-309). Temporary use of \$10 million for purpose of environmentally endangered lands is authorized.

Prohibited commercial uses of state maintained rights-of-way were codified by Senate Bill 1305 (Chapter 73-188). Regulation of uses of rest areas, wayside parks and boat ramps by the Department rules was authorized by Senate Bill 1306 (Chapter 73-189). Reports by vessels of damage to highway structures is required by Senate Bill 1271 (Chapter 73-187). The provision permitting transportation planning hearings to be satisfied by holding a hearing only, if requested after public notice is published, was deleted by Committee Substitute for House Bill 1810 (Chapter 73-355) and instead the notice of design or planning hearings is required to be mailed to property owners and other persons affected by a proposed facility. Public notice is adequate for subsequent hearings.

Laws regulating the operation of regional transportation authorities were revised by House Bill 1181

(Chapter 73-278). A legislative committee to study transportation needs in the Central Florida Corridor between Jacksonville and St. Petersburg is provided by House Concurrent Resolution 1794. An expressway authority for Pasco County was created by Committee Substitute for House Bill 1374 (Chapter 73-226).

The construction of bicycle trails and foot paths along state highways and the development of statewide network of trails was provided by Committee Substitute for House Bill 1 (Chapter 73-339). A section of a state highway was designated as a scenic route by Committee Substitute for House Bill 1580 (Chapter 73-381).

The names of the highway code, state roads trust fund and state road districts were changed to transportation code, state transportation trust fund and transportation districts by House Bill 1312 (Chapter 73-59), House Bill 1310 (Chapter 73-57), and House Bill 1311 (Chapter 73-58), respectively. An annual, instead of biennial, report by the Department is required by Senate Bill 1308 (Chapter 73-311).

1. *Journal of the American Medical Association*, 1997; 277: 1001-1005.

STATE GOVERNMENT\*

With respect to the state government of Florida, undoubtedly the most significant piece of legislation enacted by the 1973 Legislature is the Tort Claim Act, which, although not effective until 1975, waives sovereign immunity to the extent specified in the act. Important also are the change in limitation of the Working Capital Fund, the creation of the Federal Revenue Sharing Fund, the changes in investment limitations, the substantial amendments to the Military Code, and the elaboration of the Florida Archives and History Act.

Actions

Tort Claim Act. The sovereign immunity of the state, its agencies and subdivisions, and other public bodies in Florida for liability for tort for incidents occurring on or after January 1, 1975, is waived by Committee Substitute for House Bills 315 and 376 (Chapter 73-313), but this waiver does not include punitive damages or interest for the period prior to judgment. The waiver is further limited to \$50,000 for a single claim or judgment and to \$100,000 for claims

---

\* Prepared by: Jane Harris, Attorney  
Senate Legislative Services

or judgments arising out of the same occurrence. Excess judgments may be paid in part or whole only by act of the Legislature. No state or subdivision employee is personally liable for acts or omissions committed in the scope of his employment unless he acted in bad faith or with malicious purpose or in wanton and willful disregard. The Tort Claim Act does not take effect until January 1, 1975, and applies only to incidents occurring on or after that date.

If there is liability insurance covering the action brought, these limitations do not apply to the extent of the coverage. Agencies or political subdivisions are authorized to join together to purchase insurance or provide other means of meeting obligations for damages, and existing laws allowing the purchase of insurance are not affected by this act.

An action may not be instituted on any claim unless the claimant presents a written claim within three years after it accrues to the appropriate agency and, except as to claims against a municipality, to the Department of Insurance, and the Department or the agency has made a written denial of the claim or has failed to make final disposition of the claim within six months

after it was filed. This provision is not applicable to counter-claims asserted in suits by the state. Process must be served on the agency head and, except as to a defendant municipality, upon the Department of Insurance. The Department or the agency then has 30 days within which to plead. An agency other than a municipality may request the assistance of the Department in the determination of any claim. Attorney's fees are limited to 25% of any judgment or settlement. Any state agency or subdivision has the right to appeal any award, compromise, settlement or determination to the appropriate court.

Claims are barred unless brought within four years after accrual, and no action may be brought by anyone who unlawfully participates in a riot, unlawful assembly, public demonstration, mob violence or civil disobedience if the claim arises therefrom.

Section 2 of this act provides that claims not in excess of \$1,000 against any state executive agency or county or employee of either may only be made by submitting such claims to the affected agency or board of county commissioners and not to the Legislature. Any determination is final and conclusive except when procured by fraud and constitutes a complete release of

the claim. Claims must be filed with the agency or county which the claim is against and a duplicate claim must be furnished to the Department of Administration if it is against a state agency. Such claims must be filed within four years from the incident or be barred. The Department is directed to establish minimum procedures and rules applicable to state agencies to guarantee due process. The affected agency must determine within 60 days if there is reasonable justification for the claim, and if the claim is rejected, it must notify the claimant. A rejection is deemed a final denial of the claim. An accepted claim must be paid from the budget of the affected agency. The agency may seek advice from the Attorney General, and it must report all claims paid or denied to the Department of Administration which in turn must make an annual report thereof to the Legislature. Section 3 provides that the board of county commissioners must approve or disapprove and pay, if approved, any claim against a county not in excess of \$1,000 and authorizes each board to make rules and procedures for responding to such claims. A rejection by the county is deemed a final denial of the claim.

(See also: Discussion relative to House Bill 1128 (Chapter 73-92) under Military Code under EXECUTIVE ORGANIZATION AND OPERATIONS.)

## EXECUTIVE ORGANIZATION AND OPERATIONS

### State Officers' Compensation Commission

Committee Substitute for House Bill 1632 (Chapter 73-291) amends Section 112.192, Florida Statutes, to terminate the terms of all initial appointees to the State Officers' Compensation Commission on July 1, 1973, and to provide that thereafter all members' terms are for just one year.

Section 112.192(3), Florida Statutes, is amended by House Bill 1630 (Chapter 73-323) to provide that no person is eligible to be a member of the State Officers' Compensation Commission who has, within two years of appointment, sought to influence legislation, administrative decisions or judicial decisions directly affecting the compensation of members or employees of the legislative, judicial or executive branches of government or those officers specified in Section 112.192(7), Florida Statutes, on behalf of such members, employees or officers. The appointing authority is permitted to determine whether a member is ineligible and to remove any ineligible member and appoint another for the period of the unexpired term.

### Traveling Expenses

By House Bill 1714 (Chapter 73-169) an agency head is prohibited from authorizing or approving a travel request unless accompanied by a signed statement by the supervisor stating the purpose of the travel and that it is for official state business. Effective October 1, 1973.

### Florida Archives and History Act

The Secretary of State is authorized by House Bill 1249 (Chapter 73-280), which amends Section 267.031(2), Florida Statutes, to appoint advisory councils, consisting of not less than five nor more than nine members, to provide professional and technical assistance to the Division of Archives, History and Records Management in the administration of the Florida Archives and History Act. Members serve without pay but receive travel expenses pursuant to Section 112.061, Florida Statutes.

House Bill 1247 (Chapter 73-279) creates the Historic Preservation Project Review Council within the Division of Archives, History and Records Management of the Department of State. The Council's responsibility is to evaluate all proposals for capital outlay involving projects requiring state financial assistance for preservation,

restoration, reconstruction or acquisition of any historical site. Project evaluation criteria are provided, and no capital outlay project is eligible for state financial assistance until the Council's report and recommendation has been filed with the Division and has received the affirmative recommendation of the Secretary of State. However, no more than 50% of the non-federal funds for any one capital outlay project may be funded from state sources. The Council is composed of the director of the Division of Recreation and Parks of the Department of Natural Resources, the executive director of the Board of Trustees of the Internal Improvement Trust Fund, the chief of the Bureau of Land Planning of the Division of Planning of the Department of Administration, and four members appointed by the Secretary of State who are trained in architecture, archaeology or history and have professional standing and proven interest in historic preservation. The director of the Division of Archives, History and Records Management or his designee, serves without voting rights as secretary, and the Division provides staff assistance.

House Bill 1248 (Chapter 73-166) creates Part II of Chapter 267, Florida Statutes, the Florida Archives and History Act, to authorize the Division of Archives, History and Records Management to designate sites

of significance to the scientific study or public representation of the state's historical, prehistorical or aboriginal past as "state archaeological landmarks" and inter-related groupings of such sites as "state archaeological landmark zones". However, no such designation may be made without the private owner's written consent, and written notice of the designation must be given to the owners and occupants. Thereafter, no one may conduct field investigation activities in the designated area without a permit from the Division. Permits for excavation and surface reconnaissance on state lands, landmarks or landmark zones may be issued to certain types of institutions with archaeological expertise which the Division deems properly qualified to conduct such activity. Research reports are to be submitted to the Division. The Division is also authorized to allow certain "accredited" institutions to conduct archaeological field activities without individual permits for each project, provided prior written notice of the proposed activities is given to the Division, but no archaeological activity may be started until the Division determines that the planned project will be in compliance and gives notice to proceed. All specimens collected belong to the state with title vested in the Division, which may arrange for

their disposition and temporary or permanent loan to permit-holding institutions. A person who conducts field investigations on state lands, landmarks, or landmark zones without a permit or a notice to proceed or who appropriates, defaces, destroys or alters any archaeological site or specimen located therein is guilty of a misdemeanor, punishable by a fine up to \$500 or imprisonment in the county jail up to six months or both, and forfeits to the state all specimens, objects and materials collected, together with all related photographs and records. Subject to the same penalty is a person who reproduces, retouches, reworks or forges any archaeological or historical object originating from a designated site or who makes any such object or copy thereof, or falsely labels, describes, identifies, or offers for sale or exchange any object, with intent to represent it as an original and genuine archaeological or historical specimen or a person who offers for sale or exchange any object with knowledge that it has been collected in violation of this act.

#### Employment Security

House Bill 1381 (Chapter 73-283) created the Division of Employment Security in the Department of Commerce, with bureaus of urban manpower services, rural

manpower services (to administer Chapter 450, F. S.) and unemployment compensation (to administer Chapter 443, F. S.).

#### Corporation Returns

Senate Bill 834 (Chapter 73-200) transfers to the Department of State the administrative duties formerly vested in the Department of Revenue by virtue of Section 608.3205, Florida Statutes, (1971), relative to corporate returns made in conjunction with the capital stock tax and the corporate privilege tax and to the dissolution of or permit cancellation of corporations failing to pay such tax. The Department of Revenue is directed to transfer its records of those returns to the Department of State, and \$32,525 is appropriated from the general revenue fund to the Department of State to cover the cost of micro-filming these records. Effective July 1, 1973.

#### Governor's Security Force

Effective July 1, 1973, responsibility for the security of the governor, his family, office and mansion is assigned to the Department of Law Enforcement by Senate Bill 1294 (Chapter 73-214). The Governor's Security Force is abolished by the repeal of Section 14.21, Florida Statutes, and its records, personnel,

property and funds are transferred to the Department. No less than nine security agents are to be assigned to these duties. An agent's assignment, however, is subject to the Governor's continuing approval. Subsistence and per diem allowances for security personnel when traveling with the Governor or his family are authorized.

#### Capitol Information Center

House Bill 941 (Chapter 73-274) transfers responsibility for the Capitol Information Center from the Division of Building Construction and Maintenance of the Department of General Services to the Division of Tourism of the Department of Commerce. Effective July 1, 1973.

#### Military Code

The military code of the state is substantially revised by House Bills 1128 (Chapter 73-92), 1129 (Chapter 73-319) and 1130 (Chapter 73-93).

The name of the Military Department is changed to the Department of Military Affairs. Membership in the State Militia, formerly limited to male citizens between the ages of 18 and 45, is broadened to include all able-bodied citizens or persons intending to become citizens.

Restrictions upon the funding of current expenses of the Department are removed and the Governor is made the sole commander-in-chief of all the militia of the state. He is granted power to increase the organized militia and to use it to preserve the public peace, execute state laws, suppress insurrection, repel invasion, respond to public disaster or riot or imminent danger thereof or in case of the calling of all or any portion of the militia into the services of the United States. Specifications relating to uniforms to be worn by members of the State Militia are eliminated. Florida National Guard members are to be retired at the highest rank held with the option of retiring at the rank next highest to that held at time of retirement being eliminated. The requirement that pay rate be based on twenty-four hour periods of continuous service is also removed. The office of Military Reserve Liaison Officer is abolished and authority to enroll honorary contributing members of the National Guard is discontinued. The privilege formerly granted National Guard units to incorporate is withdrawn and the authorization to construct an armory in the city of Arcadia is repealed. Finally, the Governor's authority to require aliens to register in time of war is removed. These changes were made by House Bill 1130 (Chapter 73-93).

Immunity from liability for lawful acts done in performance of duty is limited to members of the "organized" militia under House Bill 1128 (Chapter 73-92). In civil or criminal proceedings arising therefrom, such members, upon request, are entitled to be defended at state expense by attorneys designated by the Department of Legal Affairs and they may be ordered to active duty with full pay and allowances for the duration of their defense. In addition, court costs and attorney's fees incurred in the defense by the state and the defendant must be awarded if the plaintiff dismisses or the defendant is successful.

Benefits for injury, death or disability incurred by militia members while in active service are also restricted to members of the "organized" militia, by House Bill 1129 (Chapter 73-319). Compensation is computed on the basis of military or civilian pay status, whichever is greater, for the first year of disability and thereafter as if covered by Workmen's Compensation. Death benefits are the same as those provided law enforcement officers under Section 112.19, Florida Statutes, and claims for greater amounts may be presented to the Legislature.

## Protocol

Senate Concurrent Resolution 756 assigns the responsibility of state protocol to the Secretary of State and directs the Department of State to publish a compilation of the state's protocol and traditions for the use of the three branches of state government.

## EMPLOYMENT AND RETIREMENT

### Sick Leave

Committee Substitute for House Bills 168, 228 and 269 (Chapter 73-312), effective July 1, 1973, enables state employees with 10 or more years of creditable service to receive terminal incentive pay for accumulated and unused sick leave. Such pay is based upon the rate of pay received by the employee at the time of his retirement, termination or death and is computed on the basis of one-eighth of all unused sick leave credits accumulated prior to July 1, 1973, and one-fourth of all unused sick leave credits accumulated after October 1, 1973, not in excess of 60 days. No provision is made for unused sick leave credits accumulated between July 1, 1973, and October 1, 1973. Sick leave payments are not to be used in the computation of average final compensation in any state-administered retirement system, and Section

121.021(24), Florida Statutes, which defines "average final compensation" with respect to the Florida Retirement System, is amended accordingly. Neither are these payments to be made to employees terminated for cause or found guilty of certain violations of state laws.

#### Florida Public Service Commission

Certain personnel of the Florida Public Service Commission are exempted from the State Career Service System by an amendment to Section 110.051(2), Florida Statutes, made by House Bill 987 (Chapter 73-247). Those exempted are the Commissioner's personal secretary and personal aide, the executive director, the administrative secretary, the hearing examiners and the department heads. The qualifications and salaries for these positions is to be set by the Commission with the prior approval of the Department of Administration. The act also provides that compensation for special counsel and other part-time employees may be drawn from the Florida Public Service Regulatory Trust Fund. Effective July 1, 1973.

#### Disqualification for Prior Criminal Conviction

Section 112.011(1)(2), Florida Statutes, as amended by Committee Substitute for Senate Bill 592 (Chapter 73-109) provides that a person is not disqualified from

employment by the state, its agencies or political subdivisions, or any municipality solely because of a prior conviction of a crime unless it was a felony or first degree misdemeanor and directly related to the employment sought. On the same basis, a person whose civil rights have been restored is not disqualified to practice or engage in any occupation, profession or business for which a license, permit or certificate is required to be issued by the state, its agencies or political subdivisions or any municipality. This act does not apply to fire departments in the hiring of firemen, and a person with a prior felony conviction applying for employment therewith is excluded from employment for four years after expiration of sentence or final release by the Parole and Probation Commission unless he receives a full pardon or his civil rights are restored.

#### Florida Retirement System

House Bill 770 (Chapter 73-268) provides that all state and county cooperative extension personnel holding appointments by the United States Department of Agriculture for extension work in the state in agriculture and home economics shall be joint representatives of the department and of the University of Florida and deemed covered by

federal civil service unless otherwise provided in the project agreement. Such personnel are prohibited from participation in a state retirement or social security program, except those members covered under Section 238.13, Florida Statutes, as of November 30, 1970.

Civil Service, Career Service and  
Merit Systems and Benefit Programs

Senate Concurrent Resolution 691 creates a joint select committee of the legislature to make an interim study of the existing career service, civil service, merit system and benefit programs in the state and report to the 1974 Legislature the feasibility of creating one uniform system and the feasibility of establishing statewide minimum standards for all law enforcement officers and firemen if not included in the overall study.

FUNDS AND OBLIGATIONS

Authorized Positions

House Bill 589 (Chapter 73-314) amends Section 216.262(1)(a), Florida Statutes, which authorizes the Administration Commission to increase the number of positions authorized for any agency in certain contingencies, to delete the provision allowing increases to

meet "... substantial increases in demonstrated workload ...". The act also revises the language relating to lump sum appropriations, limiting the Commission to the number of positions specified in the lump sum appropriation act and deleting the language relating to the Commission's authority to act when no specific number of positions is fixed in a lump sum appropriation. Effective July 1, 1973.

#### Federal Revenue Sharing Funds

House Bill 1006 (Chapter 73-316) creates the Federal Revenue Sharing Fund in the state treasury and requires that all moneys received pursuant to federal revenue sharing acts be deposited therein, segregated from other state funds and expended only pursuant to appropriation acts or as otherwise provided by law. Effective July 1, 1973.

#### Working Capital Fund

Senate Bill 77 (Chapter 73-196) amends Section 215.32(2)(c), Florida Statutes, which relates to the source and use of state funds. Effective July 1, 1973, the limitation in the amount of \$50,000,000 on the Working Capital Fund will change to an amount not more

than 5% of the net revenue of the General Revenue Fund for the preceding fiscal year, which shall be accrued from moneys which are in excess of the amount needed to meet general revenue fund appropriation acts as determined by the Department of Administration. These moneys may be transferred to the general revenue fund whenever the Administration Commission determines that revenue collections in the general revenue fund will be less than the estimated amount recommended to the Legislature by the Department.

#### Investments

Senate Bill 687 (Chapter 73-183) revises the listing of securities authorized for investment of state agency and trust fund moneys. The limitation on the amount of any fund which may be invested is increased from 10% to 25% for corporate stock and interest-bearing obligations with an option to convert into stock and from 65% to 80% for corporate bonds and other interest-bearing obligations. In addition, the investment of up to 25% of a fund in pension investment type group annuity contracts with insurers licensed to do business in this state is authorized, provided that the amount invested with any one insurer is limited to 3% of the insurer's assets. Effective July 1, 1973.

## Warrants

Senate Bill 1285 (Chapter 73-148) requires the Comptroller to duplicate warrants that have been lost or destroyed while being sent to a payee via any state agency but before being received by the payee. As a prerequisite, however, the director of the state agency to whom the warrants were sent must present the Comptroller a statement, under oath, reciting all relevant information in regard to the lost or destroyed warrants. Effective July 1, 1973.

House Bill 775 (Chapter 73-220) requires the Comptroller to cancel any state warrant presented for payment more than one year after the last day of the month in which it was originally issued, thus prohibiting the Treasurer from honoring a warrant thus cancelled. The Comptroller is empowered to issue a new warrant for a cancelled one within three years from the last day of the month of original issue, upon investigation and the payee's execution of a statement under oath as required by Section 17.13, Florida Statutes, or the surrender of the cancelled warrant. Warrants not presented within the three-year limitation period are forever unenforceable, regardless of whether they were outstanding on the act's effective date, July 1, 1973. However, as to any

warrant outstanding prior to such date which is made unenforceable by this limitation, the claimant is given 90 days within which to present it to the Comptroller, and as to any warrant outstanding for a period of less than three years on such date, the claimant is given 90 days or three years from the date of original issue, whichever is greater, within which to present it. If the amount of an unenforceable or cancelled warrant has been transferred to any special cancellation or restoration account, the Comptroller is required to return the funds to the fund of original issue within one year.

#### Treasurer

The powers and duties of the Treasurer are affected by several amendments to Chapter 18, Florida Statutes, made by House Bill 707 (Chapter 73-266). Section 18.02 is amended, authorizing the Treasurer to furnish a personal check cashing service at the Capitol. Although Section 18.06 retains the requirement that the Treasurer exhibit a trial balance to the Governor monthly, it is amended to delete the requirement that it be done during the first ten days of the month and to condense a list of descriptive terms for various types of securities into the single word "securities". Section 18.07 is reworded

to make specific the responsibility of the Treasurer to account for all state funds and securities, and Section 18.08 is amended to make clear the fact that transfers of paid warrants between the Treasurer and Comptroller occur through the Data Service Center and to smooth out the work flow by requiring warrants to be turned over as soon as paid instead of in a batch at the beginning of the month. An amendment to Section 18.11 makes the Treasurer the examiner of bonds given as security, rather than vesting examination in the Governor, Comptroller and Treasurer, but those officials must all approve the standards which the Treasurer is to follow in making his determination. Sections 18.22 and 18.23 are created to vest rule-making power and the power to prescribe forms and record-keeping practices in the Treasurer.

#### State Bond Act

A number of amendments to the State Bond Act, Sections 215.57 - 215.83, Florida Statutes, are made by House Bill 459 (Chapter 73-135). First, Section 215.65(1) is amended to make clear that it is the unencumbered surplus of the fund which cannot exceed \$225,000 rather than the cash balance. This section is also reworded to make the limit effective only at

the end of a fiscal year rather than continuously. Second, Section 215.69 is amended to place all record-keeping responsibility for outstanding bond issues in the State Board of Administration and to release the Division of Bond Finance from any responsibility for keeping duplicate records or accounts. Third, the permissible average net interest cost rate is raised from 7% to 7-1/2% by amendment to Section 215.68(5). Fourth, Section 215.79(2) is amended to permit, in determining the amount of refunding bonds to be issued, the taking into account of amounts of discount or interest on direct obligations of the United States to be deposited in escrow, when the discount or interest will accrue to the escrow account. Fifth, an amendment to Section 215.64(9) gives the Division the power of eminent domain to carry out the purposes of the State Bond Act. Sixth, Section 215.82 is amended to require validation of State Board of Education bonds and Land Conservation Act of 1972 bonds in the circuit court of Leon County.

#### Dues and Contributions

The use of public funds for dues or contributions to any association, group or organization the records of which are not open for inspection to any state citizen

is prohibited by Committee Substitute for Senate Bill 271 (Chapter 73-98). Effective October 1, 1973.

## COURTS

### Judicial Qualifications Commission

House Bill 2068 (Chapter 73-306) implements Section 12(b) of Article V of the State Constitution by increasing the membership of the Judicial Qualifications Commission from nine to thirteen and by providing staggered terms for the additional members. House Bill 757 (Chapter 73-361) authorized the disclosure to the Commission, as to courts, of information concerning communications intercepted under the state's wiretap law.

### Circuit and County Courts

House Bill 2224 (Chapter 73-329) amends Sections 26.031 and 34.022, F. S., to provide two additional circuit judges, one each for the 10th and 19th judicial circuits, and 11 additional county court judges for 9 specified counties. Effective July 1, 1973.

### State Attorneys

Senate Bill 1367 (Chapter 73-215) amends Section

27.25(4), Florida Statutes, to provide that appropriations for state attorneys' offices are to be determined by a funding formula based on population "...and such other factors as may be deemed appropriate..." and amends Section 27.34, Florida Statutes, to prohibit counties and municipalities from contributing any funds toward the operation of a state attorney's office, except that counties are required to provide office space, utilities, and telephone, custodial, library, transportation and communication services. The office space provided may not be less than the standards for space allotment promulgated by the Department of General Services nor less than that currently provided. State attorneys presently in office and now receiving a county salary supplement in judicial circuits with a population of 1,000,000 or more may continue to receive the supplement for the remainder of their term, at the discretion of the county, a provision that applies only to Dade County. Section 27.271(2), Florida Statutes, is amended so that no mileage or per diem is allowed for travel by any state attorney or assistant state attorney between his home and the courthouse designated as his "travel headquarters" or for time

spent at the county seat of the county where he resides.  
Effective July 1, 1973.

#### Public Defenders

Senate Bill 1368 (Chapter 73-216) amends Section 27.51(1), Florida Statutes, relating to the duties of the public defender, to make the changes in wording necessitated by the integration of the separate juvenile courts into the court system established pursuant to revised Article V of the state constitution and amends Sections 27.53(4) and 27.54(2)(3), Florida Statutes, to provide that appropriations for public defenders' offices are to be determined by a funding formula based on population "...and such other factors as may be deemed appropriate...". Counties and municipalities are prohibited from contributing any funds toward the operation of a public defender's office, but counties are required to provide office space, utilities, telephone and custodial services in accordance with space allotment standards promulgated by the Department of General Services and at least at the level currently provided.  
Effective July 1, 1973.

## BUILDINGS AND PROPERTY

### Credit Unions

House Bill 605 (Chapter 73-245) amends Section 657.24, Florida Statutes, to provide that free office space in a government-owned or leased building may be allotted to a credit union by the public board having jurisdiction over the building if it determines that the services provided by the credit union to the board's employees are equivalent to a reasonable charge for rent or services.

### Surplus Property

Under the authority of Senate Bill 854 (Chapter 73-233), effective July 1, 1973, the Division of Surplus Property of the Department of General Services will hold title and all interest in all state-owned tangible personal property certified and transferred to it as surplus. The Division is required to promulgate rules and regulations providing for classification, certification, transfer, warehousing, bidding, assessment of fees for services rendered, and destruction, scrapping, or other disposal of such property. However, the approval of the Department of Administration is required prior to disposal of property

worth \$5,000 or more. All moneys received by the Division from the disposition of surplus property must be deposited into the newly created State Surplus Property Working Capital Fund which the Division may disburse for acquisition of exchange and surplus property and for operating expenses. Section 273.04, Florida Statutes, is amended to provide that whenever acquiring property the custodian of state property must first offer any exchange property for sale to the Division, which may purchase it for the amount of trade-in allowance offered by the seller. The receipts from such sales may be applied to the cost of the property acquisition. The Division may allow the custodian to exchange property with the seller as a trade-in and apply the exchange allowance to the cost of the property acquired. Sections 273.06, 273.07 and 273.08, Florida Statutes, relating to transfers between custodians, other disposal of surplus property, and reappropriation of disposal proceeds, are repealed.

#### Special Facilities for Physically Handicapped

Committee Substitute for House Bills 212, 655 and 678 (Chapter 73-255) amends Section 255.21(1)(2), Florida Statutes, relating to public buildings and special facilities

for the physically handicapped, adding buildings and facilities owned or operated by or on behalf of political subdivisions, municipalities or special districts to the categories of buildings required to have such facilities and deleting the exception for public schools and community colleges. The requirement does not apply to buildings existing on October 1, 1973, the act's effective date, except as to alterations or new leases. If any building is remodeled and the cost of remodeling exceeds 50% of the building's fair market value, the entire building must conform to the standards and specifications for the physically handicapped established by the Department of General Services; if the cost of remodeling is between 20% and 50% of the fair market value, only the remodeled part must conform; if the cost of remodeling is less than 20%, only the doors, entrances, exits, and public toilet rooms in the remodeled part must comply; and if the cost is less than 20% "or" no load-bearing structure is altered or if the remodeling is only for decor or maintenance, no part of the building need comply. The standards may be modified or waived upon a determination that the general public and physically disabled will not be users of the facilities or services of the agency

in the building except under extraordinary circumstances or the facilities or services are housed to the extent necessary in conforming buildings or there are other reasons in the Department's discretion. This act purports to create a new subsection (3) to Section 255.21, Florida Statutes, providing that each county or municipality with respect to county or municipal buildings, the Department of Education with respect to public schools and junior colleges, and the Department of General Services with respect to state buildings is responsible for ensuring compliance with the regulations of the Department of General Services. However, Section 255.21, Florida Statutes, already had a subsection (3), which relates to the authority of the Department to conduct surveys and investigations. There does not appear to have been an intent to repeal the existing subsection (3) but rather an intent to create a new provision.

TAXATION AND REVENUE SHARING \*

STATE TAXATION

Corporation Income Tax

Florida's Corporation Income Tax was amended by three 1973 acts. House Bill 1295 (Chapter 73-321) redefines the "Internal Revenue Code" and adjusted gross income to include the 1972 amendments to the federal law. House Bill 2064 (Chapter 73-327) amended numerous sections to make taxable under the income tax code the interest on earnings from county bonds, state revenue certificates and general obligation bonds, industrial development bonds, municipal parking facility bonds, higher education bonds, port facility bonds, housing debentures, bonds for pollution control and environmental facilities and the bonds of the turnpike and expressway authorities. House Bill 2051 (Chapter 73-152) amends the special rules for bank taxation to include all banks and savings associations as subject to the 5% tax in Part VII, to excuse those banks and associations domiciled outside the state from filing a return or paying a tax on the years before 1976, and to require all banks and associations domiciled in

---

\* Prepared by Dr. Arthur L. Cunkle,  
House Bill Drafting Service

Florida to pay the tax on 100% of their base without apportionment. Foreign banks that are taxed on 100% of their income in other states will not be required to pay the tax in Florida after 1975. Finally, banks are allowed a credit of their intangible taxes up to 40% of their income tax liability.

#### Capital Stock and Corporate Privilege Taxes

Administration of these taxes was transferred to the Department of State by Senate Bill 834 (Chapter 73-200; see page 162.)

#### Cigarettes

House Bill 434 (Chapter 73-123) redefines cigarettes to include all rolls for smoking which weigh less than three pounds per thousand, but excluding those with naturally fermented tobacco (cigars).

#### Sales and Use Tax

Any dealer operating two or more places of business who files a consolidated return of sales taxes must now report the amount of taxes collected in each county, according to House Bill 66 (Chapter 73-85). The exemption from the sales tax of vessels and vehicles and their

parts and fuel used in interstate and foreign commerce was limited to those licensed as common carriers by the Interstate Commerce Commission or the Civil Aeronautics Board by Senate Bill 1255 (Chapter 73-240), the exemption being based on the ratio of their intrastate mileage to their interstate or foreign mileage the previous year. This act also defines nurseryman or grower as any person engaged in production of nursery stock or horticultural plants.

#### Multistate Tax Commission

The Department of Revenue is authorized by House Bill 1376 (Chapter 73-322) to furnish information and tax returns to the Multistate Tax Commission and to request the Commission to audit on behalf of this state business entities doing business in more than one state.

#### Tax Suits

For legal actions in which the Department of Revenue is a party, service of process on the Executive Director is prescribed by House Bill 1316 (Chapter 73-73), the Department to be the only state agency so served.

#### LOCAL FINANCE

##### Occupational License Tax

House Bill 178 (Chapter 73-144) removes the expiration date (September 30, 1973) from Chapter 72-306,

thereby making permanent the 1972 act on occupational licenses.

#### Revenue Sharing

The Florida Revenue Sharing Act of 1972 was extended for another year by Committee Substitute for House Bill 1176 (Chapter 73-349) and the total appropriation was increased from \$39,000,000 to \$70,230,000 for the counties and \$132,300,000 to \$155,870,000 for the municipalities. The distribution formulas were not changed significantly but the municipalities were authorized to pledge their guaranteed minimum amounts for debt purposes, in effect making the hold harmless provisions permanent. The Department of Revenue is to compute the annual apportionment factors by July 25, with quarterly readjustments. Local governments are required to submit certified information to the Department and are to use the additional revenues for the community service programs that lose federal funds.

The act creates a permanent Uniform Local Government Financial Management and Reporting Act (Part III of Chapter 218) which requires from each unit of local government within 90 days after the close of the fiscal year a financial report to the Department of Banking and

Finance. The Department is to determine the form of reports and to make combined reports by March 1. When a unit fails to report, the Department may arrange for reporting and bill the unit. All units of local government must go to the October 1 to September 30 fiscal year and must use uniform accounts and reports. Special districts are included, but not school and community college districts. County fee officers are required to submit budgets and reports to the county commissions, and failure to do so becomes grounds for suspension. Sheriffs will now appeal their budgets to the Department of Administration which must report on such appeals to the Legislature. Assessment rolls must be prepared for each municipality whether it levies a tax or not. Millages must be classified for general and debt purposes, whether voted or not, and the area to which they applied.

#### AD VALOREM PROPERTY TAX

##### Ad Valorem Assessment Administration

House Bill 1331 (Chapter 73-172), the ad valorem assessment act ignited by the Supreme Court's rejection of the use of the Auditor General's ratios in school finance, made significant changes in the state's role of supervising property tax administration. The Department

of Revenue is required to prescribe uniform rules and regulations, including a current assessor's manual with standard assessment procedures; all property must be classified and each parcel given a unique number. Computer programs will be uniform. The assessors, the Auditor General and the Department must share information and have access to certain taxpayer records, and violations of confidential information is made a misdemeanor. The buyers or sellers of real property must file information on transfers or pay \$25 before instruments can be recorded. The Department is required to furnish all forms and maps required in property tax administration and may use not more than two for the same purpose.

The Department of Revenue is given full control of the budgets of assessors, whose fees are abolished. The assessor must submit his budget on the form for state agencies, with a copy to the county commission, with the Department's action subject to review by the Governor and Cabinet. Local taxing authorities will be billed quarterly for their proportionate shares of the assessor's budget, with county commissions paying the shares of the schools and cities. Assessors are moved to a fiscal year beginning on October 1. Assessors

salaries are based upon the latest population figures, ranging from \$12,000 to \$29,000 per year, with an additional \$2,000 to each designated as a certified assessor. Salaries are to be adjusted annually by the consumer price index.

House Bill 1331 creates the "property assessment loan fund," with \$3,000,000 from the revenue sharing funds, to assist assessors in purchasing equipment and in reappraising property. These loans bear interest and must be repaid within three years. The Department of Revenue must be a party to all contracts and shall maintain lists of firms approved for bidding on contracts with assessors.

The assessment rolls of each county are to be audited by the Department and by the Auditor General who must conduct an in-depth audit at least once every three years. The Auditor General will notify an assessor at least 30 days before the beginning of such audit and the assessor shall consult with the auditor concerning the classes to be studied. The assessor will identify the new parcels on the roll and cooperate in the conduct of the audit of the roll. The audit will be completed by January 1. The Department of Revenue will evaluate the

auditor's findings, with its own studies, and notify the assessor by January 15 of all defects in assessments and of its requirements for approval of the current year's rolls. By February 1 the assessor must notify whether he will comply or request a conference. By March 1, the Department will issue its order and commence its supervision of the assessor's efforts to bring his rolls in compliance, and by May 1 the Department will notify the assessor of its intent to approve or disapprove the assessor's roll. Notice of disapproval must go also to local governing bodies.

An Assessment Administration Review Commission is created within the Department of Revenue to hear appeals from the tax assessors and the Auditor General relative to the rolls. Its three members will be part-time and appointed by the Governor, with Senate approval. The Commission will engage a staff and a law officer, with the qualifications of a circuit judge, who will preside over the hearings, make all rulings of law and prepare the final orders of the commission pursuant to its findings of fact. Within 20 days of the approval or disapproval of a roll by the Department of Revenue an appeal may be filed with the commission. The Supreme Court shall have exclusive jurisdiction to review the

orders of the commission, and it is given specific authority to implement its decisions.

The responsibility for increasing the amount of the tax levies is placed clearly on governing boards or commissions. The assessor is directed to notify them of the millage that would produce the same total revenue as for the previous year. If the boards want more money they must adopt the higher millage by resolution or ordinance which requires advertising and public hearings. A copy of the ordinance must be filed with the Department of Revenue.

House Bill 1331 creates a select legislative committee on ad valorem tax administration, consisting of five senators and five representatives, to investigate the development of rules and standards of value by the Department of Revenue and the process of approving or disapproving assessment rolls. The committee will employ a staff and report to the 1974 Legislature.

Statutes on ratio studies are repealed.

Senate Bill 150 (Chapter 73-228) provides that the evaluating and assessing of utility property shall be the duty of the tax assessor. House Joint Resolution

1907, which will be voted upon in the November 1974 general election, proposes to change the tax assessor's title to property appraiser.

#### Delinquency and Collection

Committee Substitute for House Bill 1589 (Chapter 73-332) makes many changes relating to delinquent ad valorem taxes, sales of tax certificates and titles issued for tax delinquent lands. The county tax collector is given the duties and responsibilities of administering delinquent tax lists, selling tax certificates and distributing the proceeds of redemptions and tax sales. All tax liens will draw annual interest at 18% until sold, with a minimum of 5% on those sold. The collector will handle these duties for the municipalities and only one certificate will be sold for each parcel. Fractional rates of interest in bidding are authorized but fractions must be at least one-fourth percent. Tax certificates issued in the future will be void after seven years (now 20). The clerk of the circuit court will keep a list of "Lands Available for Taxes" where there have been no bidders at public sales. Such lands may be purchased by any person or governmental unit at the minimum bid. The clerk will hold the sales of tax delinquent lands, notify owners and holders of

certificates, distribute the proceeds of such sales, and issue the tax deeds. Except as provided in this chapter, no rights shall survive the issuance of a tax deed.

Actions must be brought within four years unless the legal owner continues in possession. When real property is adversely possessed the tax deed holder must bring action within four years.

### Exemptions

House Bill 662 (Chapter 73-344) provides that hospitals, nursing homes, homes for special services and homes for the aged that meet the other criteria for exemption from ad valorem taxation will no longer be required to have had exemption from federal income taxes for twenty years. Committee Substitute for House Bills 2, 41 and 503 (Chapter 73-340) also broadens the exemption for these homes by excluding social security benefits and public assistance payments from the determination of gross income and by excluding portions of a home for the aged used exclusively for religious or medical services for the residents of the home. It also grants, for portions of the property not exempt under the income provisions, homestead exemptions of \$5,000 and the additional homestead exemption from school taxes of

another \$5,000 to residents over 65. Annual applications and affidavits are required. Committee Substitute for Senate Bill 209 (Chapter 73-201) extends the homestead exemption to condominium owners who prior to this act held leases of 50 years or more.