

Journal
of the
SENATE
State of Florida

SIXTH REGULAR SESSION
UNDER THE CONSTITUTION AS REVISED IN 1968
APRIL 2 THROUGH MAY 31, 1974



Nays—8

Barron
Childers

Gordon
Johnston

Scarborough
Sims

Smathers
Ware

On motion by Senator Scarborough, the rules were waived and CS for SB 973 was ordered immediately certified to the House after engrossing.

The Journal of May 22 was corrected and approved.

The Journal of May 21 was corrected and approved as follows:

Page 454, column 1, strike line 4 and insert: fidetial until a recommendation is filed by the commission

On motion by Senator Barron, the Senate adjourned at 5:05 p.m. to convene at 9:00 a.m., May 24, 1974.

Amendment 1—On page 2, lines 26 and 27, strike "The equipment shall be a self-service dispensing device as" and insert: All self-service equipment used to dispense gasoline shall be

On motion by Senator Plante, by two-thirds vote HB 2407 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—28

Mr. President	Gruber	Myers	Sykes
Brantley	Henderson	Peterson	Trask
Deeb	Johnson	Plante	Vogt
de la Parte	Johnston	Sayler	Ware
Gillespie	Lane (31st)	Scarborough	Weber
Glisson	Lewis	Sims	Wilson
Graham	McClain	Smathers	Zinkil

Nays—9

Firestone	Lane (23rd)	Stolzenburg	Winn
Gallen	Poston	Williams	
Gordon	Saunders		

By unanimous consent Senator Childers was recorded as voting yea; Senator de la Parte changed his vote from yea to nay.

By unanimous consent Senator Smathers was recorded as voting yea on SB 689 which passed the Senate May 22.

The President announced the appointment of Senators Saunders, Williams, Plante, Myers, Graham, Childers, Lane (31st) and Vogt as Senate conferees on SB 1100. The Committee was excused to organize into subcommittees.

On motion by Senator Saunders, Rule 2.5 was waived and the Committee on Ways and Means was granted permission to consider CS for SB 807, HB 4026 and SB 905 this day.

SB 959 was taken up, together with:

By the Committee on Criminal Justice—

CS for SB 959—A bill to be entitled An act relating to involuntary sexual battery; repealing present Chapters 794, 798, and 800, Florida Statutes, except sections 794.05, 800.03 and 800.04; creating Chapter 794, Florida Statutes; providing definitions; establishing degrees of involuntary sexual battery; providing penalties; providing an effective date.

—which was read the first time by title and SB 959 was laid on the table.

On motion by Senator Wilson, by two-thirds vote CS for SB 959 was read the second time by title.

Senators Wilson, Zinkil and McClain offered the following amendment which was moved by Senator Wilson:

Amendment 1—On page 3, strike all of lines 18 through 21 and insert: (1) A person of the age of eighteen (18) years or older who commits sexual battery upon, or injures the sexual organs of a person ten (10) years or younger in an attempt to commit sexual battery upon said person commits a capital felony punishable as provided in section 775.082 and 921.141. If the offender is under the age of eighteen (18), that person shall be guilty of a life felony, punishable as provided in Chapter 775.

Senator Smathers moved the following substitute amendment which failed:

Amendment 2—On page 3, strike all of lines 18—21 and insert: (1) Whoever of the age of seventeen years or older unlawfully ravishes or carnally knows a child under the age of eleven is guilty of a capital felony, punishable as provided in §775.082.

(2) It shall not be necessary to prove the actual emission of seed, but the crime shall be deemed complete upon proof of penetration only.

The question occurred on Amendment 1 which was adopted.

Senators Smathers and Ware offered the following amendment which was adopted on motion by Senator Smathers:

Amendment 3—On page 1, line 15, between sections 794.05 and section 800.03 insert: 800.02

Senator Johnston moved the following amendment which was adopted:

Amendment 4—On page 3, lines 19, 23 and 29, strike "ten (10)" and Page 4, line 22 and Page 5, line 2 strike "ten (10)" and insert: eleven (11)

Senator Johnston moved the following amendment which failed:

Amendment 5—On page 2, strike lines 18 and 19

~~Senator Smathers moved the following amendment which was adopted:~~

Amendment 6—On page 3, lines 4 and 10, strike "794.02" and insert: 794.021

On motion by Senator Wilson, by two-thirds vote, CS for SB 959 as amended was read the third time by title.

Senator Sayler withdrew his name as a co-introducer of SB 959.

Senator Lewis moved the following amendment which was adopted by two-thirds vote:

Amendment 7—On page 1, line 14, strike "798"

Senator Lewis moved the following title amendment which was adopted:

Amendment 8—On page 1, line 5, strike "798," and on line 6 after "794.05", insert: 800.02

Senators Deeb and de la Parte offered the following amendment which was moved by Senator Deeb:

Amendment 9—On page 4, lines 6—7, strike "likely to cause serious personal injury"

Senator de la Parte moved the following substitute amendment which was adopted by two-thirds vote:

Amendment 10—On page 5, line 5, strike "second" and insert: third

On motion by Senator Barron, the rules were waived and time of adjournment was extended until final action on CS for SB 959.

Senator Ware moved that the Senate reconsider the vote by which Amendment 10 was adopted and the motion failed.

*CS for SB 959 as further amended was read by title, passed and ordered engrossed. The vote was:

Yeas—28

Mr. President	Glisson	McClain	Trask
Brantley	Graham	Myers	Vogt
Deeb	Gruber	Peterson	Weber
de la Parte	Henderson	Poston	Williams
Firestone	Johnson	Sayler	Wilson
Gallen	Lane (23rd)	Stolzenburg	Winn
Gillespie	Lewis	Sykes	Zinkil

Moudry	Reynolds	Spicola	Williams	Yeas—60
Nelson	Richmond	Thomas, J. C.	Williamson	
Nuckolls	Rish	Tillman	Wilson	
Poole	Robinson, G. C.	Tubbs		
Poorbaugh	Rude	Walker		
Randell	Sackett	Whitson		

Mr. Gautier moved the previous question on the pending amendment and the bill, which was agreed to. The vote was:

Yeas—59

The Chair	Crenshaw	Holloway	Price
Avon	Culbreath	Kershaw	Robinson, G. C.
Bass	Cunningham	Kutun	Rude
Baumgartner	Dixon	Lockward	Smith
Blackburn	Dyer	Matthews	Spicola
Boyd	Fontana	Mattox	Tittle
Brown	Forbes	McDonald, D.	Tobiasen
Carlucci	Fortune	McDonald, L.	Tolton
Cherry	Foster	McPherson	Tucker
Clark, Dick	Fulford	Melvin	Walker
Clark, J. R.	Gautier	Miller	Webb
Clem	Grosse	Nergard	Whitson
Cohen	Hair	Papy	Williams
Conway	Hartnett	Peaden	Young
Craig	Hodges	Poorbaugh	

Nays—40

Becker	Gorman	Kiser	Randell
Birchfield	Grizzle	Langley	Redman
Clark, David	Haben	Lewis	Reynolds
Crabtree	Hagan	Libertore	Richmond
Crane	Harlee	Malloy	Rish
Earle	Hazelton	Malloy	Sackett
Easley	Hutto	Mixson	Thomas, J. C.
Fechtel	James	Moudry	Tillman
Gallagher	Johnson	Nelson	Williamson
Gibson	Jones	Nuckolls	Wilson
		Poole	

The question recurred on Amendment 5, which failed of adoption. The vote was:

Yeas—46

Becker	Gibson	Langley	Richmond
Birchfield	Gorman	Lewis	Rish
Blackburn	Grizzle	Libertore	Robinson, A. S.
Clark, David	Grosse	Malloy	Sackett
Clark, J. R.	Haben	Matthews	Thomas, J. C.
Crabtree	Hagan	Mattox	Tillman
Crane	Harlee	Mixson	Tubbs
Earle	Hazelton	Moudry	Walker
Fechtel	Hutto	Nuckolls	Williams
Fortune	James	Poole	Williamson
Fulford	Johnson	Poorbaugh	Wilson
Gallagher	Jones	Randell	

Nays—57

The Chair	Cunningham	Hodges	Price
Bass	Danahy	Holloway	Redman
Baumgartner	Dixon	Kershaw	Robinson, G. C.
Boyd	Dyer	Kiser	Rude
Brown	Fontana	Kutun	Ryals
Carlucci	Forbes	Lockward	Smith
Cherry	Foster	McDonald, D.	Spicola
Clark, Dick	Gautier	McDonald, L.	Steinberg
Clem	Gordon	McPherson	Tittle
Cohen	Hair	Melvin	Tobiasen
Conway	Harris	Nelson	Tolton
Craig	Hartnett	Nergard	Tucker
Crenshaw	Hector	Papy	Whitson
Culbreath	Hodes	Peaden	Young

[Because of a voting machine malfunction, Mr. Grosse's May vote was recorded as Yea. The total has been adjusted to reflect the actual result.]

Mr. Kutun moved that the rules be waived and CS for SB 84 be read a third time by title, which was not agreed to by two-thirds vote. The vote was:

The Chair	Cunningham	Hodes	Papy
Avon	Danahy	Hodges	Peaden
Becker	Dixon	Holloway	Price
Birchfield	Fontana	Kershaw	Redman
Blackburn	Forbes	Kiser	Robinson, G. C.
Boyd	Fortune	Kutun	Rude
Brown	Foster	Langley	Ryals
Carlucci	Gautier	Lockward	Smith
Cherry	Gordon	Malloy	Spicola
Clark, Dick	Grizzle	Matthews	Steinberg
Clem	Grosse	McDonald, L.	Tittle
Conway	Hair	McPherson	Tobiasen
Craig	Harris	Melvin	Tucker
Crenshaw	Hartnett	Nelson	Walker
Culbreath	Hector	Nergard	Whitson

Nays—40

Clark, David	Gibson	Libertore	Rish
Clark, J. R.	Gorman	Mattox	Robinson, A. S.
Cohen	Haben	McDonald, D.	Sackett
Crabtree	Hagan	Mixson	Thomas, J. C.
Crane	Harlee	Moudry	Tillman
Dyer	Hazelton	Nuckolls	Tolton
Earle	Hutto	Poole	Tubbs
Fechtel	James	Poorbaugh	Williams
Fulford	Johnson	Randell	Williamson
Gallagher	Jones	Richmond	Wilson

Representatives Bass and Young were recorded as voting Yea.

So the bill was placed on the Calendar of bills for third reading.

CS for SB 959—A bill to be entitled An act relating to involuntary sexual battery; repealing present Chapters 794, and 800, Florida Statutes, except sections 794.05, 800.02, 800.03 and 800.04; creating Chapter 794, Florida Statutes; providing definitions; establishing degrees of involuntary sexual battery; providing penalties; providing an effective date.

—was read the second time by title.

Representative J. W. Robinson offered the following amendment:

Amendment 1—On page 2, strike all of lines 18 and 19 and insert: (2) The common law rule "that a boy under fourteen (14) years of age is conclusively presumed to be incapable of committing the crime of rape" shall not be in force in this state.

Mrs. Robinson moved the adoption of the amendment, which was adopted.

Representative J. W. Robinson offered the following amendment:

Amendment 2—On page 5, line 9, strike the word "third" and insert the word "second"

Mrs. Robinson moved the adoption of the amendment, which was adopted.

On motion by Mrs. J. W. Robinson, the rules were waived and CS for SB 959, as amended, was read the third time by title. On passage, the vote was:

Yeas—83

The Chair	Clark, Dick	Danahy	Fulford
Baumgartner	Clark, J. R.	Dixon	Gallagher
Becker	Clem	Dubbin	Gautier
Birchfield	Cohen	Dyer	Gordon
Blackburn	Conway	Earle	Gorman
Brown	Crabtree	Fechtel	Grizzle
Carlucci	Crenshaw	Fontana	Grosse
Cherry	Culbreath	Forbes	Haben
Clark, David	Cunningham	Foster	Hagan

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Hair	Lewis	Price	Spicola
Harlee	Libertore	Randell	Steinberg
Harris	Lockward	Redman	Thomas, J. C.
Hodes	Mattox	Richmond	Tillman
Holloway	McPherson	Rish	Tittle
Hutto	Nelson	Robinson, A. S.	Tobiasen
James	Nergard	Robinson, G. C.	Tolton
Johnson	Nuckolls	Robinson, J. W.	Tubbs
Jones	Ogden	Ryals	Walker
Kiser	Papy	Sackett	Williams
Kutun	Poole	Shreve	Young
Langley	Poorbaugh	Snowden	

Nays—18

Fortune	McDonald, L.	Reynolds	Whitson
Gibson	Melvin	Rude	Williamson
Hodges	Miller	Smith	Wilson
Matthews	Mixson	Thomas, P.	
McDonald, D.	Peaden	Webb	

Representatives Avon, Bass, Hazelton, Hector, and Malloy were recorded as voting Yea; Representatives Rude and Smith changed their votes from Nay to Yea.

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 54 (cs) was taken up, together with:

By the Committees on Judiciary and Health & Rehabilitative Services and Representatives Fortune, D. McDonald, and Earle—

CS for HB 54 (cs)—A bill to be entitled An act relating to the support of dependent children; providing legislative intent to supplement existing legislation regarding the state support of dependent children; providing definitions; providing that the payment by the state of moneys for the benefit of dependent children constitutes a debt owed by the parents of said children to the state; providing for debt based upon subrogation to or assignment of judgment; providing for a judicial hearing regarding debts established by the act; providing for the service of liens to assure payment of said debts; providing for certain court orders to withhold and deliver; providing certain exemptions from lien orders under the act including homesteads; providing for the assertion of liens authorized by the act and pursuant to a court order by the department of health and rehabilitative services; providing civil liabilities for noncompliance with the act; providing a release of funds in excess of the required debt which are held by the department to the owner; providing for certain service upon banks; providing for seizure, distraint and sale of property subject to liens under the act; providing certain foreclosure procedures; providing for the satisfaction of the lien after foreclosure proceedings; providing that the department shall have the authority to set debt payment schedules and release liens or return seized property; providing for the waiver of interest upon debts due the state under the act; allowing the charge off of certain debts as uncollectible; providing for special accounts; requiring that certain assignment of earnings contracts be honored by persons employing a person owing certain child support debts; providing that the receipt of public assistance for a child shall be an assignment of rights in child support obligation; providing that all state agencies shall provide information upon request to the department of health and rehabilitative services concerning the identity and whereabouts of a person owing or asserted to be owing an obligation of support; providing an effective date.

—which was read the first time by title and HB 54 (cs) was laid on the table.

On motion by Mr. Fortune, the rules were waived and CS for HB 54 (cs) was read the second time by title.

Representatives Fortune and D. McDonald offered the following amendment:

Amendment 1—Strike everything after the enacting clause and insert:

Section 1. Legislative intent.—Common law and statutory procedures governing the remedier for enforcement of support

for financially dependent minor children by responsible parents have not proven sufficiently effective or efficient to cope with the increasing incidence of financial dependency. The increasing workload of courts, prosecuting attorneys, and the attorney general has made such remedies uncertain, slow and inadequate, thereby resulting in a growing burden on the financial resources of the state, which is constrained to provide public assistance for basic maintenance requirements when parents fail to meet their primary obligations. The state, therefore, exercising its police and sovereign power, declares that the common law and statutory remedies pertaining to family desertion and nonsupport of minor dependent children shall be augmented by additional remedies directed to the real and personal property resources of the responsible parents. In order to render resources more immediately available to meet the needs of minor children, it is the legislative intent that the remedies herein provided are in addition to, and not in lieu of, existing law. It is declared to be the public policy of this state that this chapter be construed and administered to the end that children shall be maintained from the resources of responsible parents, thereby relieving, at least in part, the burden presently borne by the general citizenry through welfare programs.

Section 2. Definitions.—As used in this act:

(1) "Department" means the department of health and rehabilitative services.

(2) "Dependent child" means any person under the age of eighteen (18), or under the age of twenty-one (21) and still in school, who has been deprived of parental support or care by reason of death, continued absence from the home, or physical or mental incapacity of a parent.

(3) "Court order" means any judgment or order of any court of appropriate jurisdiction of the state or an order of a court of comparable jurisdiction of another state ordering payment of a set or determinable amount of support moneys.

(4) "Responsible parent" means the natural or adoptive parent of a dependent child.

(5) "Public assistance" means moneys paid to any persons included in §409.235, Florida Statutes, aid to families with dependent children.

Section 3. Dependent children; action for support.—

(1) In all cases where regular child support payments are not being made, within thirty (30) days of the date that an applicant is approved for public assistance on behalf of such dependent child, the division shall institute a civil action for support from persons liable for the support of the child. The division shall notify the state attorney's office in the district in which the recipient resides by petition setting forth the facts in the case including the obligor's address if known and the public assistance case number. Wherever applicable, the procedures established under the provisions of chapter 88, the uniform reciprocal enforcement of support law, shall govern actions instituted under the provisions of this section.

(2) The order for support entered pursuant to an action instituted by the division under the provisions of subsection (1) shall stipulate that the child support payments be made monthly to the division of family services as long as the child receives public assistance.

(3) The division shall notify the state attorney's office whenever the client's public assistance is cancelled for any reason, or when the obligor has failed to provide the required monthly support for two (2) consecutive months, or when the obligor is in arrears sixty (60) days or more, in order that the state attorney's office may institute the appropriate action.

(4) The division shall return any support moneys collected under the provisions of this section to the public assistance recipient.

Section 4. Public assistance payments to child debt to state; limitations; subrogation.—

(1) Any payment of public assistance money made to or for the benefit of any dependent child or children creates a debt due and owing to the department by the natural or adoptive parent or parents who are responsible for support of such children in an amount equal to the amount of public assistance money so paid; provided, that where there has been a court order or final judgment of dissolution of marriage, the debt shall be limited to the amount of said court order or decree. The

ACTS OF LEGISLATURE TABLE

[illegible]

LEGISLATIVE ACTS 1973			FLORIDA STATUTES		
CHAP.	SEC.	SEC.	CHAP.	SEC.	SEC.
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		705.09		733.24	744.32
		705.10		733.26	744.36
		705.13		733.36	744.38
		706.18		733.38	744.41
		706.20		733.41	744.44
		707.05		733.43	744.46
		707.08		733.45	744.47
		707.10		733.51	744.50
		707.13		733.54	744.52
		707.15		734.01	744.57
		707.17		734.03	744.60
		707.22		734.041	744.64
		707.23		734.06	744.68
		731.03		734.09	745.01
		731.22		734.11	745.02
		731.28		734.13	745.12
		731.33		734.15	745.13
		731.35		734.17	745.15
		731.37		734.19	745.20
		732.01		734.22	745.23
		732.04		734.221	745.30
		732.07		734.23	745.32
		732.09		734.25	745.33
		732.11		734.29	746.01
		732.15		734.31	746.03
		732.21		734.36	746.05
		732.22		734.38	746.07
		732.24		734.40	746.09
		732.25		735.01	746.12
		732.27		735.03	746.121
		732.28		735.05	746.13
		732.29		735.06	746.16
		732.30		735.10	747.035
		732.34		735.13	747.051
		732.35		736.02	775.11
		732.37		736.06	790.001
		732.40		737.02	790.05
		732.42		741.01	790.21
		732.44		741.05	790.25
		732.47		741.051	801.102
		732.49		741.053	801.211
		732.50		741.055	801.251
		732.52		741.057	817.55
		732.54		741.058	817.561
		732.56		741.0591	817.751
		732.59		741.0592	817.83
		732.61		741.06	821.32
		732.63		741.08	823.01
		732.64		741.10	828.01
		732.66		744.03	828.03
		732.68		744.06	828.041
		732.69		744.07	828.17
		733.01		744.10	831.01
		733.03		744.16	831.20
		733.05		744.20	831.29
		733.07		744.22	838.05
		733.08		744.23	838.06
		733.10		744.25	838.071
		733.18		744.27	839.04
		733.20		744.29	839.12
		733.21		744.31	839.15

LEGISLATIVE ACTS 1973			FLORIDA STATUTES		
CHAP.	SEC.	SEC.	CHAP.	SEC.	SEC.
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		843.01		235.19	218.215
		843.06		235.34	218.23
		843.08		230.23	218.245
		847.011		235.04	218.25
		847.013		229.8051	218.26
		849.0915		232.23	218.30
		856.031		230.7681	218.36
		859.07		230.7591	216.111
		861.11		239.77	129.01
		870.04		239.78	129.03
		876.27		233.067	30.49
		877.01		228.071	193.115
		900.03		229.543	220.191
		900.04		229.545	397.10
		901.01		233.15	397.20
		901.04		233.16	23.140
		902.19		233.255	462.08
		903.21		239.79	462.18
		903.27		228.165	215.37
		903.28		230.22	486.021
		914.04		233.057	486.041
		914.12		231.36	486.051
		914.13		233.34	486.052
		917.14		231.600	486.081
		917.27		231.610	486.102
		923.03		446.011	486.107
		924.08		446.041	486.171
		925.09		446.052	334.211
		932.46		446.071	502.012
		933.01		446.091	502.041
		933.07		446.101	502.032
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		934.07	73-340 1, 2	196.012	omitted
		936.03		196.197	403.088
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		936.06	73-341	320.091	73-362 1, 2
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		939.14	24-27	235.211	omitted
		939.15		236.087	1974 ACTS
		940.04		236.602	74-1 1
		941.10		237.34	74-2 1
		941.23		236.02	74-3 1
		941.32		236.085	74-4 1
		949.01		236.086	74-5 1-4
		959.05		236.0711	
		959.115		236.13	
		959.23		228.041	74-6 1
		959.24		230.23	74-7 1
		959.28		232.01	74-8 1, 2
		omitted		232.255	
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73-337	1	229.8055	73-348 1-4	478.25	74-11
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LEGISLATIVE ACTS 1973			LEGISLATIVE ACTS 1973			LEGISLATIVE ACTS 1973		
CHAP.	SEC.	SEC.	CHAP.	SEC.	SEC.	CHAP.	SEC.	SEC.
73-332 (Cont.)		197.291	73-333 (Cont.)		145.012	73-333 (Cont.)		372.60
		197.302			145.071			372.61
		197.311			145.08			372.69
		197.351			177.031			372.9902
		197.356			177.085			374.97
		95.192			177.091			375.021
		95.191			197.016			382.35
		125.39			197.056			394.465
		173.01			197.106			398.22
		193.102			197.132			403.031
		193.481			197.141			403.061
		197.141			197.176			404.15
		50.061			197.216			440.02
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	106-110,	23.074			214.72			468.151
	112-114,	23.076			215.37			468.157
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	133-144,	365.031			216.311			471.26
	146-154,	23.086			217.07			478.021
	157, 159-	27.33			217.09			487.061
	163,	27.50			217.13			500.03
	163A, 164-	28.2401			228.121			509.032
	171, 173-	34.131			229.815			543.26
	175, 178,	34.022			230.63			550.03
	180-182	38.09			231.14			550.011
		43.195			232.26			551.031
		43.29			236.05			550.021
		51.011			237.101			550.068
		69.071			239.76			559.33
		61.052			250.10			559.58
		73.051			251.01			559.74
		74.061			251.04			561.25
		81.021			257.01			570.10
		95.11			266.206			576.091
		97.021			283.23			570.52
		97.041			284.33			573.15
		97.062			316.236			573.23
		97.063			320.06			573.89
		97.102			321.17			573.905
		98.041			322.28			601.152
		98.301			323.11			608.3352
		98.312			324.201			620.605
		99.172			336.62			626.611
		101.141			339.031			627.082
		101.151			340.091			627.355
		101.293			367.122			627.401
		101.62			370.0212			627.419
		101.64			370.16			627.572
		104.181			372.021			627.727
		112.192			372.31			631.601
		121.021			372.57			648.45
		122.30			372.573			676.107
		122.321			372.574			689.075

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LEGISLATIVE ACTS 1973			LEGISLATIVE ACTS 1973			LEGISLATIVE ACTS 1973		
CHAP.	SEC.	SEC.	CHAP.	SEC.	SEC.	CHAP.	SEC.	SEC.
73-333 (Cont.)		694.14	73-334 (Cont.)		128.06	73-334 (Cont.)		396.102
		701.03			142.03			402.07
		732.36			142.07			394.457
		733.16			142.10			402.17
		733.211			145.131			406.11
		741.0593			167.36			406.13
		782.07			176.19			406.15
		801.031			193.052			409.145
		932.49			198.30			409.235
73-334	1, 4-9, 11-	17.041			206.205			409.315
	16, 18-22,	17.05			206.21			416.03
	24-26, 28,	27.06			206.58			416.06
	30, 32, 34,	27.14			210.18			416.08
	36, 38, 40,	27.16			215.08			443.15
	42, 44	27.51			215.11			450.111
		27.52			222.01			450.121
		29.04			232.06			460.25
		30.12			232.19			461.18
		30.15			245.06			463.19
		30.27			250.36			474.40
		38.12			283.25			475.13
		38.13			294.04			475.32
		38.22			294.06			476.28
		39.02			294.10			482.032
		39.06			294.11			482.171
		39.16			316.045			487.071
		40.02			316.047			506.03
		40.06			322.03			506.38
		40.07			322.15			506.39
		40.22			322.212			509.141
		40.29			370.061			509.281
		40.33			381.331			517.20
		47.011			382.23			520.06
		47.021			382.24			520.56
		47.041			382.29			526.10
		47.061			382.37			536.22
		47.101			382.40			540.02
		47.131			382.41			542.09
		47.141			382.43			542.11
		47.163			382.44			550.20
		48.021			382.46			559.78
		48.20			382.47			562.11
		56.071			384.04			562.27
		56.29			384.07			562.38
		57.081			392.25			568.08
		60.05			392.26			575.08
		76.03			392.281			581.201
		78.03			392.33			582.23
		90.01			392.34			585.36
		90.14			392.36			586.09
		92.05			393.021			608.12
		95.22			393.031			624.310
		98.311			393.11			648.44
		100.041			393.12			687.06
		101.55			394.455			689.21
		102.071			394.459			695.03
		102.141			394.473			695.10
		116.23			394.475			696.06
		116.24			394.56			705.01
		117.03			394.57			705.03
		117.04			394.61			705.05

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LEGISLATIVE ACTS 1973			FLORIDA STATUTES			LEGISLATIVE ACTS 1973			FLORIDA STATUTES		
CHAP.	SEC.	SEC.	CHAP.	SEC.	SEC.	CHAP.	SEC.	SEC.	CHAP.	SEC.	SEC.
73-279	1	267.0615	73-300 (Cont.)		88.031	73-304 (Cont.)		294.11	73-305	1	13.08
73-280	1	267.031			88.281			294.12			15.14
73-281	1-3	477.04			238.173			694.14			18.091
		477.07			291.06			15.14			25.241
		477.08			382.25			35.22			27.33
73-282	1	28.33			382.26			101.58			120.061
73-283	1, 2	20.17			382.35			731.101			215.31
73-284	1-4	443.03			382.38			215.35			215.37
		320.01			414.01			233.063			238.11
		320.02			689.15			239.38			250.17
		320.07	73-301	1-5	731.101	73-302	1-20, 20A, 21-35	257.05	73-325	1-22	509.013
		320.08			743.01			257.06			509.071
73-285	1-3, 5-7	665.361			799.02			283.24			509.091
		665.191			457.041			295.04			509.101
		665.441			459.06			320.58			509.111
		665.101			463.09			322.21			509.131
		665.231			465.071			323.03			509.141
		665.442			474.14			323.04			509.142
73-286	1-5	527.06			131.03			339.32			509.151
		527.12			132.03			350.78			509.161
		527.14			153.63			373.011			509.162
73-287	1-6	941.45			153.73			379.04			509.171
		941.50			153.74			382.29			509.211
73-288	1-3	941.55			155.14			382.34			509.221
		941.57			157.08			391.09			509.241
73-289	1	366.065			159.08			392.12			509.261
73-290	1, 2	125.61			161.38			413.28			509.281
		125.63			163.385			413.45			509.292
73-291	1	112.192			169.02			448.06			23.027
73-292	1	849.094			169.07			463.22			110.092
73-293	1, 2	229.8051			169.12			468.109			112.051
73-294	1-4	246.021			170.17			477.20			112.352
		246.051			172.04			490.28			112.354
		246.081			180.08			509.071			112.358
		246.091			183.04			517.04			112.361
73-295	1	378.152			184.06			520.55			121.021
73-296	1, 2	509.301			215.68			520.96			122.02
		509.302			236.612			525.13			122.13
73-297	1, 2	34.032			243.03			620.32			122.23
		34.13			243.27			624.313			122.34
73-298	1, 2	687.02			298.27			624.516			122.351
		687.03			315.05			944.13			123.01
73-299	1-14	26.55			340.15			43.20			123.11
		116.25			344.29			omitted			123.14
		123.051			348.755			393.01			123.15
		123.17			349.05			393.021			123.17
		127.01			374.361			393.04			123.24
		372.312			374.391			393.11			123.25
		382.45			374.411			393.12			123.29
		562.40			373.563			393.05			123.30
		732.15			424.13			337.34			123.33
		744.06			424.14			316.131			216.262
		746.16	73-303		omitted	73-308	1-5, 7	334.22			238.01
		849.38			293.02						
		849.42			293.07						
		27.181			293.10						
		13.10			293.12						
		28.101			293.14						
		49.011			293.15						
		62.031			293.17						
		65.071			293.18						

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CHAP.	SEC.	SEC.	CHAP.	SEC.	SEC.	CHAP.	SEC.	SEC.	CHAP.	SEC.	SEC.	CHAP.	SEC.	SEC.	CHAP.	SEC.	SEC.
73-312	1, 2	112.20	73-326 (Cont.)		238.02	73-330 (Cont.)		83.48	73-331	1-32	893.01-	73-332	1-35	197.012			
		121.021			238.03			83.50-			893.15			197.016			
73-313	1-4	768.28			238.04			83.63			232.26			197.056			
		768.30			238.06			713.691			239.582			197.062			
73-314	1	216.262			238.07			48.183			316.028			197.072			
73-315	1	458.055			238.08			83.49			322.26			197.076			
73-316	1, 2	215.32			238.12			713.67			322.264			197.082			
73-317	1	503.062			238.15			713.68			371.51			197.086			
73-318	1, 2	503.031			238.32			509.141			465.101			197.106			
73-319	1	250.34			291.10-			85.011			465.22			197.116			
73-320	1	138.12			291.12			85.051			499.14			197.121			
73-321	1	220.03			291.14			92.40			500.46			197.132			
		220.13			291.16			83.68-			500.47			197.136			
73-322	1, 2	213.072			291.18			83.71			500.47			197.156			
		213.18			291.21			82.02			500.47			197.166			
73-323	1	112.192			291.22			82.02			500.47			197.176			
73-324	1-3	625.121			291.27			82.04			500.47			197.181			
		627.476			291.31			82.081			500.47			197.186			
73-325	1-22	509.013			291.32			893.01-			500.47			197.191			
		509.032			321.17			893.15			500.47			197.201			
		509.071			321.191			232.26			500.47			197.216			
		509.091			321.202			239.582			500.47			197.236			
		509.101			376.10			239.582			500.47			197.241			
		509.111			650.02			316.028			500.47			197.246			
		509.131			23.0515			322.26			500.47			197.256			
		509.141			288.15			322.264			500.47			197.261			
		509.142			288.15			371.51			500.47			197.266			
		509.151			320.39			397.021			500.47			197.271			
		509.161			330.27			459.14			500.47			197.276			
		509.162			555.05			465.101			500.47			197.281			
		509.171			494.04			465.22			500.47			197.286			
		509.211			516.03			500.46			500.47			197.291			
		509.221	519.07	500.47	500.47	197.296											
		509.241	520.03	823.10	500.47	197.301											
		509.261	520.05	831.30	500.47	197.306											
		509.281	520.32	860.01	500.47	197.311											
		509.292	520.52	860.13	500.47	197.316											
73-326	1-3	23.027	520.65	860.13	500.47	197.321											
		110.092	543.34	860.13	500.47	197.326											
		112.051	559.04	860.13	500.47	197.331											
		112.352	559.34	860.13	500.47	197.336											
		112.354	657.06	860.13	500.47	197.341											
		112.358	125.019	860.13	500.47	197.346											
		112.361	159.15	860.13	500.47	197.351											
		121.021	159.31	860.13	500.47	197.356											
		122.02	159.50	860.13	500.47	197.361											
		122.13	183.14	860.13	500.47	197.366											
		122.23	215.76	860.13	500.47	197.371											
		122.34	243.33	860.13	500.47	197.376											
		122.351	315.11	860.13	500.47	197.381											
		123.01	340.20	860.13	500.47	197.386											
		123.11	348.122	860.13	500.47	197.391											
		123.14	348.65	860.13	500.47	197.396											
		123.15	348.762	860.13	500.47	197.401											
		123.17	349.13	860.13	500.47	197.406											
		123.24	403.1834	860.13	500.47	197.411											
		123.25	423.03	860.13	500.47	197.416											
		123.29	554.102	860.13	500.47	197.421											
		123.30	565.10	860.13	500.47	197.426											
		123.33	26.031	860.13	500.47	197.431											
		216.262	34.022	860.13	500.47	197.436											
		238.01	83.001	860.13	500.47	197.441											
			83.40-	860.13	500.47	197.446											

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CHAP.	SEC.	SEC.	CHAP.	SEC.	SEC.	CHAP.	SEC.	SEC.
72-404 (Cont.)		26.021	72-727		omitted	73-34	1	272.16
		27.02	72-729		378.152	73-35	1	520.351
		29.01	72-730	1		73-36	1, 2	491.08
		29.04	72-731		omitted			491.11
		28.091	72-733		27.34	73-37	1	320.025
		34.01	72-734	1	omitted	73-38	1	370.11
		34.021	72-735			73-39	1	380.10
		34.031				73-40	1-7	534.47
		34.041						534.53
		34.13	1973 ACTS			73-41	1	518.01
		34.161	73-1	1	905.095	73-42	1	617.025
		34.191	73-2		omitted	73-43	1	731.30
		372.561	73-3	1	320.72	73-44	1	683.01
		39.01	73-4	1	316.0285	73-45	1	370.14
		39.12	73-5	1	49.011	73-46	1	403.031
		39.18	73-6	1	11.40	73-47	1-3	100.041
		43.15	73-7	1	101.161			116.06
		43.28	73-8	1	731.071			137.03
		43.29	73-9	1	733.225	73-48	1	325.19
		43.30	73-10	1	370.112	73-49	1	665.031
		112.061	73-11	1-4	601.46			665.451
		145.051	73-12	1	601.55			665.032
		959.07	73-13	1	601.03	73-50	1	768.131
72-405		omitted	73-14	1	601.151	73-51	1	478.121
72-406	1, 3-7		73-15		omitted	73-52	1	478.121
		34.022	73-16		omitted	73-53	1	478.021
		34.024	73-17	1	601.57	73-54	1	478.021
		34.023	73-18		omitted	73-55	1	478.31
		25.075	73-19	1-8	287.055	73-56	1	585.34
		25.074	73-20	1	78.01			585.343
		34.011			78.03	73-57	1	206.45
72-407		omitted			78.045	73-58	1	334.062
72-408	1-15				78.065	73-59	1	334.01
		348.216			78.067	73-60	1	817.41
		348.219			78.069	73-61	1	745.15
		348.22			78.073	73-62	1	695.25
		348.221			78.075	73-63	1-8, 10	487.021
		348.229			78.08			487.041
		348.23			78.10			487.051
72-409		omitted			78.13			487.101
SJR 1305 1-7, 9		10.001			78.18			487.111
		10.005			78.21			487.13
		10.05			1.01	73-64	1	287.025
		10.06			743.07	73-65	1	398.07
		10.003			657.10	73-66	1	370.08
		10.07			550.083	73-67	1	620.31
		10.08			316.016	73-68	1-3	517.02
72-410		omitted			316.065			517.06
72-720		167.4315			370.135			517.12
72-721	1				901.27	73-69	1-3	658.08
72-722	1, 2				901.32			656.22
		27.51			370.13	73-70	1	11.2421
		27.54			601.155			11.2422
72-723	1				627.801			11.2424
72-724	1-9				627.807			11.2425
		403.1835			626.051	73-71	1	921.161
		775.081			626.241	73-72	1	53.031
		775.082			626.780	73-73	1	48.111
		782.04			626.781	73-74	1	194.181
		779.07			omitted	73-75	1	101.27
		790.16			403.501	73-76	1	461.12
		790.161			403.515			
		794.01						
		805.02						
		921.141						
72-725	1							
72-726	1-7							

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CHAP.	SEC.	SEC.	CHAP.	SEC.	SEC.	CHAP.	SEC.	SEC.
73-77	1-6	570.55	73-117	1-5	473.021	73-132	1	905.31
73-78	1	11.401			473.06			905.40
73-79	1	15.035			473.08			905.28
73-80	1	865.06			473.141	73-133	1-11	394.455
73-81	1-4	583.01			473.281			394.457
		583.02	73-118	1	626.729			394.459
		583.10	73-119	1-6	658.08			394.461
		581.083			659.02			394.463
73-82	1	125.31			659.04			394.465
73-83	1	59.46			659.06			394.467
73-84	1	212.11			659.061			394.469
73-85	1	402.13	73-120	1-4, 6	847.07			394.473
73-86	1, 2	274.02			847.09			744.31
73-87	1	470.35	73-121		omitted	73-134	1	627.828
73-88	1	316.272	73-122	1	381.011	73-135	1-6	215.65
73-89	1	230.760	73-123	1	210.01			215.69
73-90	1	246.021	73-124	1, 2	501.201			215.68
73-91	1	250.31			501.209			215.79
73-92	1	250.02			501.2091			215.64
73-93	1-5	250.05			501.210			215.82
		250.06			501.213	73-136	1	624.522
		250.21			570.283	73-137	1, 2	237.02
		250.24			112.18			236.24
73-94	1	744.68	73-125	1	401.21	73-138	1-6	257.17
73-95	1	230.15	73-126	1-24, 26	401.45			257.19
73-96	1	472.04			440.02			257.191
73-97	1	20.30	73-127	1-8	440.09			257.192
73-98	1, 2	119.01			440.12			257.24
		119.011			440.15	73-139	1	112.071
73-99	1	20.19			440.16	73-140	1	704.05
73-100	1	733.26			440.36	73-141	1, 2	370.172
73-101	1-3	608.3205			440.43	73-142	1	776.04
		608.341			106.011	73-143	1	470.235
		608.351			106.021	73-144	1	205.013
73-102	1-8, 11	154.07			106.03			205.022
		154.12			106.29			205.032
73-103	1	659.06			104.37			205.033
73-104	1	742.11			104.373			205.042
73-105	1, 2	101.64	73-129	1-5	166.011			205.043
		101.65			166.031			205.053
73-106	1-5	731.35			166.032			205.063
		733.15			166.041			205.072
		733.16			166.101	73-145	1-3	370.114
		733.18			166.121	73-146	1	371.65
73-107	1-4	731.34			166.122	73-147	1-6	125.563
		731.36			166.131	73-148	1	17.13
		733.09			166.141	73-149	1	370.1125
		733.11			166.201	73-150	1	370.153
		733.13			166.241	73-151	1	102.012
		733.14			166.401	73-152	1-7, 10	220.62
		478.221			166.411			220.65
73-108	1, 2	478.041			171.16			220.67
		112.011			121.51			220.69
73-109	1	413.08			195.201			665.501
73-110	1	195.207			195.207	73-153	1	627.331
73-111	1	23.0691			34.192	73-154	1, 2, 4, 5	397.021
73-112	1	61.181			255.26			397.091
73-113	1	11.13			121.20			397.098
73-114	1	20.19			166.042			398.22
73-115	1	470.10			omitted	73-155	1-4	98.041
73-116	1	473.261			380.055			98.091

ACTS OF LEGISLATURE TABLE

LEGISLATIVE ACTS 1973			FLORIDA STATUTES			LEGISLATIVE ACTS 1973			FLORIDA STATUTES			LEGISLATIVE ACTS 1973			FLORIDA STATUTES		
CHAP.	SEC.	SEC.	CHAP.	SEC.	SEC.	CHAP.	SEC.	SEC.	CHAP.	SEC.	SEC.	CHAP.	SEC.	SEC.	CHAP.	SEC.	SEC.
73-155 (Cont.)		98.031	73-174	1	316.198	73-190 (Cont.)		373.123									
		98.101	73-175	1, 2	478.23			373.129									
73-156	1-20	101.5601			478.24			373.146									
		101.5615	73-176	1-11	828.043			373.175									
		101.28	73-177	1	877.13			373.203									
		101.292	73-178	1	478.23			373.206									
		101.294	73-179	1	48.193			373.209									
		101.5616			48.194			373.213									
73-157	1-7	97.021	73-180	1-4	324.021			373.498									
		97.041			627.727			373.506									
		97.063	73-181	1	860.17			373.509									
		97.102	73-182	1-6	83.271			373.513									
		101.62			83.291			373.516									
		101.64			83.281			373.519									
		101.65			83.72			373.523									
73-158		omitted			83.73			373.526									
73-159	1-23	63.012			320.8325			373.529									
		63.232	73-183	1, 2	215.47			373.533									
73-160	1	683.12	73-184	1	240.052			373.536									
73-161	1	316.184	73-185	1	440.42			373.539									
73-162	1	232.26	73-186	1-3	466.03			373.543									
73-163	1	230.752			466.20			373.546									
73-164	1	230.17			466.27			373.549									
73-165	1	628.401	73-187	1	339.281			373.553									
73-166	1	267.11	73-188	1	339.301			373.556									
		267.14	73-189	1	339.24			373.559									
73-167	1	468.159	73-190	1-22, 24,	373.023			373.563									
73-168	1	665.091	25		373.042			373.566									
73-169	1	112.061			373.495			373.569									
73-170	1	43.40			373.501			373.573									
73-171	1, 2	617.021			373.069			373.576									
		617.0525			373.0693			373.579									
73-172	1-16, 21,	195.0011			373.0695			373.583									
22		195.0012			373.0697			373.586									
		195.027			373.103			373.589									
		195.062			373.216			373.603									
		195.073			373.219			373.606									
		195.022			373.223			373.609									
		195.084			373.224			373.613									
		195.087			373.226			373.6161									
		195.094			373.229			100.111									
		195.098			373.239			516.001									
		192.091			373.306			516.02									
		193.122			373.329			516.03									
		193.114			373.336			516.05									
		194.011			373.403			516.11									
		194.032			373.413			516.12									
		200.065			373.416			516.031									
		145.12			373.423			516.17									
		145.10			373.426			516.18									
		145.022			373.503			516.20									
		192.102			373.029			516.21									
		194.015			373.033			516.231									
73-173	1-12, 14,	145.021			373.044			516.31									
15		145.051			373.047			516.36									
		145.071			373.056			516.15									
		145.08			373.084			516.19									
		145.11			373.086			516.37									
		145.17			373.089			367.171									
		145.18			373.093			905.28									
		145.121			373.096			241.479									
		145.012			373.099			215.32									

ACTS OF LEGISLATURE TABLE

LEGISLATIVE ACTS 1973			FLORIDA STATUTES			LEGISLATIVE ACTS 1973			FLORIDA STATUTES			LEGISLATIVE ACTS 1973			FLORIDA STATUTES		
CHAP.	SEC.	SEC.	CHAP.	SEC.	SEC.	CHAP.	SEC.	SEC.	CHAP.	SEC.	SEC.	CHAP.	SEC.	SEC.	CHAP.	SEC.	SEC.
73-197	1	320.08	73-218	1	712.03	73-200	1, 2	608.341	73-219	1	601.158	73-248	1	125.27			
73-198	1	320.10	73-219	1	17.26	73-201	1	196.041	73-220	1	559.04	73-249	1-5	372.025			
73-199	1-5	601.61	73-220	1	744.69	73-202	1	710.03	73-221	1	20.25	73-250	1	601.58			
		601.66	73-221	1	744.73	73-203	1-5	465.061	73-222	1-6	665.021	73-251	1, 2	725.07			
		608.37	73-222	1-6	20.25			465.091	73-223	1	665.031	73-252	1	246.021			
73-200	1, 2	608.341			665.041			465.101	73-224	1, 2	665.331	73-253	1	231.39			
		608.37			665.701			465.21			665.717	73-254	1-6	401.013			
		196.041			665.717			466.164			665.215			401.015			
73-201	1	196.041			665.215			468.165			348.80			401.018			
73-202	1	710.03			348.84			468.167			348.84			401.021			
73-203	1-5	465.061			348.86			468.169			348.86			401.024			
		465.091			348.94			468.171			348.94			401.027			
		465.101			110.051			468.173			110.051			255.21			
		465.21			193.052			468.175			193.052	73-255	1	403.182			
		466.164			193.085			468.170			193.085	73-256	1-4	20.26			
73-204	1-9	468.165			849.093			468.101			849.093			403.1834			
		468.166			959.001			468.103			959.001	73-257	1	810.05			
		468.167			959.022			468.105			959.022	73-258	1	370.041			
		468.169			39.001			468.106			39.001	73-259	1	627.351			
		468.171			39.01			468.109			39.01	73-260	1	125.39			
		468.173			39.14			468.110			39.14	73-261	1	232.01			
		468.175			39.19			468.113			39.19	73-262	1-7	401.101			
		468.170			230.767			468.114			230.767			401.104			
73-205	1-9	468.101			273.055			468.114			273.055			401.107			
		468.103			273.04			310.01			273.04	73-263	1	396.161			
		468.105			11.45			310.015			11.45	73-264	1	40.24			
		468.106			230.67			310.03			230.67	73-265	1	232.01			
		468.109			322.051			310.031			322.051	73-266	1-5, 7, 8	18.02			
		468.110			322.141			310.04			322.141			18.06			
		468.113			322.031			310.041			322.031			18.08			
		468.114			817.559			310.05			817.559			18.11			
		310.01			212.08			310.08			212.08			18.22			
		310.03			212.14			310.09			212.14			18.23			
		310.031			212.02			310.10			212.02	73-267	1-3	229.066			
		310.04			959.001			310.15			959.001	73-268	1	121.051			
		310.041			959.011			310.20			959.011	73-269		omitted			
		310.05			959.021			310.21			959.021	73-270	1	473.111			
		310.08			959.022			310.23			959.022	73-271	1	811.022			
		310.09			959.07			310.24			959.07	73-272	1	125.01			
		310.15			959.10			310.28			959.10	73-273	1-4	239.67			
		310.20			959.115			310.34			959.115			239.461			
		310.21			959.13			823.11			959.13	73-274	1	272.11			
		310.23			959.156			370.102			959.156	73-275	1	559.04			
		310.24			959.185			125.01			959.185	73-276	1-6	520.03			
		310.28			959.225			494.04			959.225			520.05			
		310.34			959.25			494.05			959.25			520.32			
73-207	1-3	823.11			959.28			40.09			959.28			520.52			
73-208	1, 2	370.102			omitted			40.09			omitted			520.55			
		125.01			590.42			40.09			590.42			520.96			
		494.04			320.08			40.09			320.08			560.04			
73-209	1, 2	494.04			657.24			40.09			657.24			560.13			
		494.05			omitted			40.09			omitted			560.151			
		494.05			110.051			40.09			110.051			163.565			
		40.09			350.78			40.09			350.78			163.572			
73-210	1	40.09						40.09									
73-211	1	370.14						370.14									
73-212	1	378.163						378.163									
73-213	1	378.33						378.33									
73-214	1	23.0901						23.0901									
73-215	1-3	27.25						27.25									
		27.34						27.34									
		27.271						27.271									
73-216	1-3	27.51						27.51									
		27.53						27.53									
		27.54						27.54									
73-217	1	213.11						213.11									

have not found any indication in the House or Senate journals that the bill was sent back to the Legislature after it passed and went to Statutory Revision; the last date for any actions recorded in the journals was May 31, 1974, when the bill was enrolled, signed by officers and presented to the Governor. You may want to talk to Edith in the Bureau of Statutory Revision about the process; she is the person who explained to me about the adoption bill which adopts the previous Statutes.

CHAPTER 75-169

LAWS OF FLORIDA

for which land has been acquired and preliminary construction plans have been prepared and filed with the division of health prior to July 1, 1973 or any ambulatory surgical center constructed or in operation by January 1, 1976.

Section 5. Any proposed hospital which has a designed capacity of not more than 100 beds is exempt from the provisions of Section 380.06 Florida Statutes.

Section 6. This act shall take effect October 1, 1975.

Approved by the Governor June 22, 1975.

Filed in Office Secretary of State June 23, 1975.

CHAPTER 75-168

House Bill No. 1827

AN ACT relating to vocational rehabilitation; amending s. 413.48(1), Florida Statutes, providing an exception to the period allowed for reporting severely disabled persons; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (1) of section 413.48, Florida Statutes, 1974 Supplement, is amended to read:

413.48 Establishment and maintenance of a central registry.—The department shall establish and maintain a central registry of severely disabled persons.

(1) Every public and private health and social agency and attending physician shall report to the department within 7 days after identification of any severely disabled person; however, the consent of the individual shall be obtained prior to making this report except that every spinal cord disease or injury resulting in permanent or total disability shall be reported to the department immediately upon identification.

(2) The report shall contain the name, age, residence, and type of disability of the individual and such additional information as may be deemed necessary by the department.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 22, 1975.

Filed in Office Secretary of State June 23, 1975.

CHAPTER 75-169

House Bill No. 2151

AN ACT relating to the official Florida Statutes; amending sections 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the

Florida Statutes 1975 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 1975 shall be effective immediately upon publication; providing that general laws enacted during the regular session of 1973 and prior thereto and not included in the Florida Statutes 1975 are repealed; providing that general laws enacted during the 1974 regular and special sessions and the 1975 regular session are not repealed by this adoption act.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Sections 11.2421, 11.2422, 11.2424, and 11.2425, all Florida Statutes, are amended to read:

11.2421 Florida Statutes 1975 1973 adopted.—The accompanying revision, consolidation and compilation of the public statutes of 1973 1971 of a general and permanent nature, excepting the matter printed as addenda on pages 1965 to 1927 of volume 1 and pages 2253 to 2268 of volume 2, and excepting tables, rules, indexes and other related matter contained therein, prepared by the joint committee under the provisions of s. 11.242, together with corrections, changes and amendments to and repeals of provisions of Florida Statutes 1973 1971 enacted in additional reviser's bill or bills by the 1975 1973 Legislature, is adopted and enacted as the official statute law of the state under the title of "Florida Statutes 1975 1973," and shall take effect immediately upon publication. Said statutes may be cited as "Florida Statutes 1975 1973," "Florida Statutes" or "F.S. '75 73."

11.2422 Statutes repealed.—Every statute of a general and permanent nature enacted by the state or by the territory of Florida at or prior to the regular 1973 1971 legislative session, and every part of such statute, not included in Florida Statutes 1975 1973, as adopted by s. 11.2421, as amended, or recognized and continued in force by reference therein or in ss. 11.2423 and 11.2424, as amended, is repealed.

11.2424 Laws not repealed.—Laws enacted at the special session of November 29 to December 9, 1971, the 1973 1974 regular and special sessions, and the 1975 1973 regular and special sessions are not repealed by the adoption and enactment of the Florida Statutes 1975 1973 by s. 11.2421, as amended, but shall have full effect as if enacted after its said adoption and enactment.

11.2425 Rights reserved under repealed statutes.—The repeal of any statute by the adoption and enactment of Florida Statutes 1975 1973, by s. 11.2421, as amended, shall not affect any right accrued before such repeal or any civil remedy where a suit is pending.

Approved by the Governor June 22, 1975.

Filed in Office Secretary of State June 23, 1975.

Proof of publication of the required notice was attached
—was read the first time by title and referred to the Committee on Community Affairs.

By Representative Hutto—

HB 2148—A bill to be entitled An act relating to the City of Springfield, Bay County; amending chapter 57-1871, Laws of Florida, removing the position of city auditor and clerk from civil service; providing benefits to any member of civil service who accepts the appointment to city auditor and clerk; providing an effective date.

Proof of publication of the required notice was attached
—was read the first time by title and referred to the Committee on Community Affairs.

By Representatives Langley and Fechtel—

HB 2149—A bill to be entitled An act relating to the Town of Minneola, Lake County; amending section 11.A. of the charter of the Town of Minneola; providing grounds for the removal of municipal elected officials; creating the authority for "recall" or removal of a municipal elected official; specifying the procedures to be followed in order to initiate and conduct recall or removal; providing an effective date.

Proof of publication of the required notice was attached
—was read the first time by title and referred to the Committee on Community Affairs.

By Representatives Langley and Fechtel—

HB 2150—A bill to be entitled An act relating to the Town of Minneola, Lake County; amending section 7 of the charter of the Town of Minneola, providing designated titles for individual council members; abolishing the title of mayor-commissioner; redesignating the titles of individual council members; providing a title designation for the mayor; providing an effective date.

Proof of publication of the required notice was attached
—was read the first time by title and referred to the Committee on Community Affairs.

By the Committee on Rules & Calendar—

HB 2151—A bill to be entitled An act relating to the official Florida Statutes; amending sections 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 1975 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 1975 shall be effective immediately upon publication; providing that general laws enacted during the regular session of 1973 and prior thereto and not included in the Florida Statutes 1975 are repealed; providing that general laws enacted during the 1974 regular and special sessions and the 1975 regular session are not repealed by this adoption act.

(Accompanied by Volumes 1 & 2, Florida Statutes, 1978)

—was read the first time by title and placed on the Calendar without reference.

By Representative Forbes—

HB 2152—A bill to be entitled An act for the relief of James A. Bartley; providing an appropriation to compensate him for damages sustained as a result of the willful and malicious acts of a former constable of Duval County; providing an effective date.

Proof of publication of the required notice was attached
—was read the first time by title and referred to the Committee on Community Affairs.

By Representatives Poorbaugh and Nergard—

HB 2153—A bill to be entitled An act relating to the Jupiter Inlet District, Palm Beach County; providing that all references in chapter 8910, Laws of Florida, 1921, as amended, to Jupiter River shall be applicable to the Loxahatchee River; providing an effective date.

Proof of publication of the required notice was attached
—was read the first time by title and referred to the Committee on Community Affairs.

By Representative Williams—

HB 2154—A bill to be entitled An act relating to the Bradford County Hospital Corporation, Bradford County; dissolving and terminating the corporation; transferring all property of the corporation to the Board of County Commissioners of Bradford County; providing for the assumption of liabilities; repealing chapter 27413, Laws of Florida, 1951, as amended, which provides for the corporation; providing for a referendum.

—was read the first time by title and referred to the Committee on Community Affairs.

By Representative Haben—

HB 2155—A bill to be entitled An act relating to Cedar Hammock Fire Control District, Manatee County; amending subsection (1) of Section 4 of Chapter 57-1546, Laws of Florida, as amended by Chapters 59-1533, 65-1897 and 72-614, Laws of Florida, relating to the rate of special assessments to be levied against lands in the district, to increase the maximum amount which may be levied upon specified categories of property; repealing subparagraph (10) of subsection (1) of Section 4; amending Section 8 of Chapter 57-1546, Laws of Florida, relating to use of District funds; providing an effective date.

Proof of publication of the required notice was attached
—was read the first time by title and referred to the Committee on Community Affairs.

By Representative Haben—

HB 2156—A bill to be entitled An act relating to Manatee County, Samoset Fire Control District; amending Section 3 of Chapter 57-1544 of said Act, as previously amended by Chapter 78-545, Laws of Florida, providing for recommendations for appointment of the Board of Commissioners and for appointment by the Governor; and amending Section 1 of Paragraph 4 of Chapter 57-1544, Laws of Florida, as previously amended by Chapters 59-1540, 65-1890 and 71-761, Laws of Florida, relating to the rate of special assessments to be levied against said lands in said district, to increase the maximum amount which may be levied upon specified categories of property; and providing an effective date.

Proof of publication of the required notice was attached
—was read the first time by title and referred to the Committee on Community Affairs.

By Representative Haben—

HB 2157—A bill to be entitled An act relating to the Manatee County Mosquito Control District, Manatee County; amending Section 12 of Chapter 69-1286, Laws of Florida, which previously amended and consolidated Section 16 of Chapter 24677, Laws of Florida, special acts of 1947, as amended by Chapter 63-1590, Laws of Florida, relating to the rate of special assessments to be levied against taxable real and personal property in the district to provide that no tax millage shall exceed one-quarter (¼) mill on the dollar of assessed value; providing an effective date.

Proof of publication of the required notice was attached
—was read the first time by title and referred to the Committee on Community Affairs.

By Representative Haben—

HB 2158—A bill to be entitled An act relating to Manatee County, Oneco-Tallevast Fire Control District; amending subsection 1 of Section 4 of Chapter 57-1545, Laws of Florida, as amended by Chapters 59-1533, 67-1684 and 69-1282, Laws of Florida, prescribing the commissions and fees for assessment and collection against taxable property within said fire control district; amending Section 8 of Chapter 57-1545, Laws of Florida, relating to use of district funds; amending Section 12 of

—was read the first time by title and placed on the Calendar without reference.

By Senator D. Lane—

SB 624—A bill to be entitled An act relating to jurors; amending s.40.01, Florida Statutes; conforming the age qualification of jurors to 18; providing an exemption from jury duty for mothers with children under age 15; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary.

By Senator Saunders—

SB 698—A bill to be entitled An act relating to the Outdoor Recreation and Conservation Act of 1963 and the Florida Environmental Land and Water Management Act of 1972; amending ss.375.031(1), 380.08(2), Florida Statutes; requiring a seller whose land is to be acquired by a governmental agency to disclose all financial transactions concerning the land and the amount of the tax assessment thereon since January 1, 1970; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources.

Report of the Committee on Rules & Calendar

The following report was read:

The Honorable Donald L. Tucker
Speaker, House of Representatives

May 15, 1975

Sir:

Your Committee on Rules & Calendar herewith submits as the Special and Continuing Order Calendar under Rule 8.16 beginning Friday, May 16, 1975, the following:

I. Consideration of the following bills together with their companion measures:

HB 2099—Public officers, employees, & candidates

HB 1263—Public printing

CS for HB's 511 & 618—Insurance

HB 695—Service of process

HB 1840—Public Service Commission

HB 766—Motor carriers

HB 433—Traffic control and hitchhiking

HB 2129—Florida Uniform Traffic Control Law

HB 182—Retirement

HB 135—Retirement system

HJR 291—State retirement system

HB 158—Public retirement and pension plans

HB 280—Florida retirement system

HB 683—Per diem and travel expenses

HB 123—Public officers and employees

HB 963—7th Judicial Circuit

HJR 1709—Proposes amendment to Constitution regarding discipline, removal, and retirement of same

HB 940—Landlord and tenant

CS for HB 562—Attorney's fees

HB 1042—Garnishment

HB 1000—Residential landlord and tenant act

HB 358—Landlord and tenant act

CS for HB's 187 & 197—Condominiums

HB 721—Mechanics' lien law

HB 887—Public buildings

HB 2151—Official Florida Statutes

CS for HB 292—Taxation

HB 1998—Aquatic preserves

HB 429—Honeybees

HB 970—Retirement system

II. Consideration of the Local Bill Calendar

A quorum of the Committee was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,
A. H. "Gus" Craig, Chairman

On motion by Mr. Craig, the above report was adopted.

Progress Report

Mr. Redman, Chairman of the Select Committee on Impeachment—O'Malley, announced that the committee will meet on Thursday, May 22, and anticipates taking action on Monday, May 26, from the testimony it has received.

Consideration of Bills and Joint Resolutions on Third Reading

CS for SB 174—A bill to be entitled An act relating to energy costs; providing for recommendation or requirement for fuel or abatement equipment under certain conditions; providing for use of fuels with specific sulfur content; providing an exception; providing for revision of existing standards; providing for local pollution control program to be more stringent; providing an effective date.

—was read the third time by title.

Mr. Craig moved the previous question, which was agreed to. On passage, the vote was:

Yeas—65

Barrett
Bell
Blackburn
Brown
Burrall
Cherry
Clark, Dick
Clark, J. R.
Clem
Conway
Craig
Crenshaw
Easley
Fechtler
Fontana
Forbes
Fortune

Foster
Fulford
Gibson
Gorman
Grosse
Haben
Hagan
Hagler
Hattaway
Hawkins
Hazelton
Hazouri
Hector
Hill
Hodges
Hutto
James

Jones
Kershaw
Langley
Lewis, J. W.
Matthews
Mattox
Maxwell
McCall
Malvin
Mixon
Moffitt
Morgan
Nelson
Nergard
Ogden
Peaden
Poole

Poorbaugh
Redman
Rish
Robinson, G. C.
Robinson, J. W.
Rude
Ryals
Sackett
Singleton
Smith
Thompson
Tolton
Watson
Williams

Nays—44

The Chair
Andrews
Avon
Batchelor
Becker
Belanger
Bloom
Boyd
Considine
Coolman
Davis

Dyer
Eckhart
Flynn
Freeman
Gallagher
Gersten
Gordon
Grizzle
Harrington
Healey
Hieber

Johnson
Kiser
Knopke
Lehman
Lockward
Mann
Margolis
McDonald
McKnight
McPherson
Moore

Neal
Pajcic
Papy
Price
Richmond
Sheldon
Skinner
Steinberg
Williamson
Wilson
Young

Representative Crabtree was recorded as voting Yes; Representatives Hodes and T. Lewis were recorded as voting Nay.

So the bill passed, as amended. On motion by Mr. Peaden, the rules were waived and the bill was immediately certified to the Senate.

SB 629—A bill to be entitled An act relating to taking of marine corals and sea fans; amending s.370.114(1), (2), Florida Statutes, 1974 Supplement; providing that it is unlawful for a person to take, sell, destroy, or possess a certain amount of specimens; providing an exception to the limitation on the amount of specimens allowed; providing a penalty; providing an effective date.

—was read the third time by title. On passage, the vote was:

Yeas—109

The Chair
Andrews
Avon
Barrett
Batchelor
Becker

Belanger
Bell
Blackburn
Bloom
Boyd
Brown

Burrall
Cherry
Clark, Dick
Clark, J. R.
Clem
Considine

Conway
Coolman
Craig
Crenshaw
Davis
Dyer

May 21, 1975, consideration of the following bills together with their companion measures:

(1) For two hours or sooner upon completion of consideration thereof, Senate concurrent resolutions, memorials, general bills, and joint resolutions:

(2) House concurrent resolutions, memorials, general bills, and joint resolutions:

HB 2151—Official Florida Statutes
CS for HB 341—Insurance
CS for CS for HB 1885—Motor vehicles
CS for HB 1578—Employment
HB 1222—Agricultural road guard inspection
HB 2211—Control of lethal yellowing
HB 2201—Major General Henry W. McMillan
HB 1926—Gambling
HB 857—Florida retirement system
HM 2193—Adoption of H.R. 1793 relating to increasing the estate tax exemption
HCR 1872—Concept of the Coastal Plains Regional Commission

HB 1224—Plant industry
HB 887—Public buildings
HJR 1709—Justices & judges
HB 1248—Mangoes
HB 1572—Local arts council
HB 1220—Bicentennial
HB 1920—Retail installment contracts
HB 1987—Saltwater conservation
HB 1921—Home improvement and mobile home loans
HB 1923—Consumer interest rates
CS for CS for HB's 301 & 508—Usury
CS for HB's 187 & 197—Condominiums
CS for HB's 511 & 618—Insurance
CS for HB 1050—Insurance
HB 2071—Workmen's compensation
HB 754—Insurance
HB 771—Private employment agencies
HB 429—Honeybees
HB 2124—Manpower
HB 859—Insurance
HB 1837—Insurance
HB 1395—Corporations
HB 1545—Apprenticeship
HB 1052—Legal holidays
HB 2142—Division of Tourism
HB 2143—Division of Economic Development
HB 914—Investment of state funds
HB 861—Florida banking code
CS for HB's 1293 & 1858—Life or disability insurers
HB 862—Establishment of clearing accounts outside the state treasury
HB 1834—Workmen's compensation
HB 2082—Insurance agents
HB 510—Mortgages
HB 1003—Municipal Firemen's Pension Trust Fund
HB 1018—Treasurer
CS for HB 1604—Insurance
CS for HB 470—Education

A quorum of the Committee was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,
A. H. "Gus" Craig, Chairman

On motion by Mr. Craig, the above report was adopted.

Progress Report

Mr. Papy, Chairman, gave an interim report on behalf of the Select Committee on the Florida Department of Law Enforcement.

Ruling on Pending Point of Order on Amendment 2 to HB 433

Yesterday, Mr. Melvin raised a point of order that Amendment 2 to HB 433 was identical to an amendment that was killed in committee and, under Rule 11.11, was therefore out of order. The Chair reserved ruling on the point.

The Speaker ruled that Rule 11.11 refers to a bill or other measure and does not refer to an amendment. The point was not well taken, and the amendment is in order.

Consideration of Bills and Joint Resolutions on Third Reading

HB 182—A bill to be entitled An act relating to retirement; adding subsections (7) and (8) to s.20.31, Florida Statutes, providing for the creation of a seven-member State Retirement Commission; providing membership, qualifications, and terms; providing powers and duties; authorizing the commission to provide appeals on various retirement matters or disputes; providing a penalty; providing for administrative, secretarial, and legal support; providing compensation; providing administrative duties of the director of the Division of Retirement; amending s.121.081, Florida Statutes; authorizing the commission to establish regional retirement offices; authorizing electronic data processing services; amending s.121.021(15), Florida Statutes, which defines "special risk member," to conform the definition to the provisions of this act; amending subsection (2)(a) of s.121.081, Florida Statutes, authorizing claims for prior service under certain conditions as creditable service without awaiting lapse of three year period upon otherwise complying with said subsection; providing an effective date.

—was read the third time by title.

The Committee on Rules & Calendar offered the following amendment:

Amendment 8—In title, on page 1, line 26, after the semicolon insert "providing an appropriation"; on page 8, line 15, strike "(1)", and insert "1."; on page 7, line 19, underline "(1)" and line 20, after "make" insert "such"; on page 8, underline lines 2-20; on page 8, line 21, strike "121.081" and insert: 121.021

Mr. Melvin moved the adoption of the amendment, which was adopted by two-thirds vote.

The question recurred on the passage of HB 182. The vote was:

Yeas—111

The Chair
Andrews
Avon
Barrett
Batchelor
Becker
Belanger
Bell
Blackburn
Bloom
Boyd
Brown
Burrall
Campbell
Cherry
Clark, Dick
Clark, J. R.
Clem
Considine
Conway
Coolman
Crabtree
Craig
Crenshaw
Culbreath
Davis
Dixon
Dyer

Easley
Eckhart
Flynn
Fontana
Forbes
Fortune
Foster
Freeman
Fulford
Gallagher
Gersten
Gibson
Gorman
Grizzle
Grosse
Hagan
Hagler
Harrington
Hattaway
Hawkins
Hazelton
Hazouri
Healey
Hector
Hieber
Hill
Hodes
Hodges

Hutto
James
Johnson
Jones
Kershaw
Kutun
Langley
Lehman
Lewis, J. W.
Lewis, T.
Lockward
Mann
Margolis
Martin
Matthews
Maxwell
McCall
McDonald
McKnight
McPherson
Melvin
Miller
Mixson
Moffitt
Moore
Morgan
Neal
Nelson

Nergard
Nuckolls
Ogden
Pajcic
Papy
Peadar
Poole
Poorbaugh
Price
Redman
Richmond
Robinson, G. C.
Robinson, J. W.
Rude
Ryals
Sackett
Sheldon
Singleton
Skinner
Steinberg
Thompson
Tolton
Watson
Williams
Williamson
Wilson
Young

Nays—None

Representatives Fechtel, Richard, and Smith were recorded as voting Yea; Representative Kiser was recorded as voting Nay.

So the bill passed, as further amended. On motion by Mr. Melvin, the rules were waived and the bill was immediately certified to the Senate after engrossment.

HB 135—A bill to be entitled An act relating to the Florida Retirement System; amending s.121.052(1)(c), Florida Statutes, as amended, and adding subsection (9); changing the

SB 363—A bill to be entitled An act relating to the Florida Pesticide Application Act of 1974; amending s.487.182(1), Florida Statutes, 1974 Supplement; redesignating the membership of the Pesticide Application Council; providing an effective date.

—was read the second time by title and referred to the Engrossing Clerk for examination.

SB 316—A bill to be entitled An act relating to livestock marks and brands; amending s.534.021, Florida Statutes, to increase the fee for recording a mark or brand; amending s.534.081, Florida Statutes, to increase the fee for a certified copy thereof; amending s.534.041, Florida Statutes, to provide for renewal and a fee therefor; amending s.534.051, Florida Statutes, to increase the fee for recording a transfer of ownership; providing an effective date.

—was read the second time by title and referred to the Engrossing Clerk for examination.

SCR 1337—A concurrent resolution commending John L. Greer on the victory of Foolish Pleasure in the 101st Kentucky Derby.

—was read the second time in full. Without objection, further consideration of SCR 1337 was temporarily deferred.

SCR 214—A concurrent resolution in commendation of Vivian Tarrant Hill, Florida Teacher of the Year 1975.

—was read the second time in full. On motion by Mr. Craig, the concurrent resolution was adopted and under the rule immediately certified to the Senate.

HB 2151—A bill to be entitled An act relating to the official Florida Statutes; amending sections 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 1975 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 1975 shall be effective immediately upon publication; providing that general laws enacted during the regular session of 1973 and prior thereto and not included in the Florida Statutes 1975 are repealed; providing that general laws enacted during the 1974 regular and special sessions and the 1975 regular session are not repealed by this adoption act.

—was read the second time by title and referred to the Engrossing Clerk for examination.

HB 341 was taken up, together with:

By the Committee on Commerce and Representative McKnight—

CS for HB 341—A bill to be entitled An act relating to insurance; creating s.627.7405, Florida Statutes, requiring certain persons issuing automobile insurance policies to include a specific provision in the application for such policies informing potential policyholders that they may or may not be entitled to a premium reduction under certain circumstances; providing for notice to policyholders; providing an effective date.

—which was read the first time by title and HB 341 was laid on the table. On motion by Mr. McKnight, the rules were waived and CS for HB 341 was read the second time by title.

Representative Mann offered the following amendment:

Amendment 1—On page 1, line 28, strike all subsequent language and insert: Section 2. Such notice shall appear on all automobile insurance policy applications used by licensed insurance companies, agencies, or agents after December 1, 1975, and notice of the provisions of this act shall be given to all policyholders with policies renewing after December 1, 1975, at the time of renewal.

Section 8. This act shall take effect December 1, 1975.

Mr. Mann moved the adoption of the amendment, which was adopted.

The bill was referred to the Engrossing Clerk for engrossing.

HB 1385 and CS for HB 1385 were taken up, together with:

By the Committees on Appropriations, Finance & Taxation and Transportation and Representatives Jones, Ogden, Freeman, Rude, Hazouri, Hutto, Morgan, and Dyer—

CS for CS for HB 1385—A bill to be entitled An act relating to motor vehicles; providing legislative intent; amending s.319.23(5) and (6), F. S., increasing the penalty for delinquent title transfers from \$1 to \$10, providing that the title or application for title shall contain certain data; amending s.320.01, F. S., introductory paragraph, and adding subsection (26) thereto, defining registration period; amending s.320.02(2), F. S., requiring applicant's full name, date of birth and sex on the registration form and deleting the age requirement therefrom; amending s.320.081, F. S., providing that registration and revalidation stickers may be mailed; providing that the mail service charge be the actual mail charge rounded up to the nearest 5 cents plus a 25 cents handling charge instead of the 50 cents currently charged; amending s.320.04(1), F. S., increasing the service charge accruing to the tax collectors and the department from 50 cents to \$1; amending s.320.06(1), (2), (4), (5), (6), and (8), F. S., providing for extending the life of the current license plate by 11 months; providing certain license plates may be transferred from one class of vehicle to another without exchanging the original plate; providing a penalty; providing for four year alphanumeric license plates beginning July 1, 1977; providing a schedule of staggering registrations over the 12 month period; providing transfer of license plates; providing for revalidation stickers for three successive years; providing minimum refunds; providing a registration and renewal schedule for all other vehicles not categorized by birth month; amending s.320.07(1) and (8), F. S., providing for registration and revalidation during certain months; amending s.320.08, F. S., deleting prefix letter classifications; amending s.320.131(1) and (2), F. S., providing that temporary tags may be used on motor vehicles, the sale of which constitutes a casual or private sale; defines casual or private sale; authorizes the Department of Highway Safety and Motor Vehicles to sell temporary tags to county tax collectors; prescribes the fee which the tax collectors shall charge for such tags; amending s.320.14(8) and (4), F. S., and adding subsection (5) thereto; providing for fractional year registrations for certain motor vehicles; amending s.320.74, F. S., deleting the reference to "E" series license plates; amending s.325.12, F. S., requiring proof of current registration before inspection certificate is issued; providing for inspection of certain vehicles; providing an effective date.

—which was read the first time by title and HB 1385 and CS for HB 1385 were laid on the table. On motion by Mr. Jones, the rules were waived and CS for CS for HB 1385 was read the second time by title.

Representative Jones offered the following amendment:

Amendment 1—On page 9, strike all of lines 5 through 11 and insert: reflecting the owner's birth month and the year of expiration as well as a sticker reflecting the county name, shall be issued in accordance with the following schedule. Such license plates, revalidation sticker and county name sticker shall be issued monthly throughout the year based on the applicant's month of birth.

(c) Beginning July 1, 1977, registration license plates equipped with validation stickers and county name stickers shall be valid for not more

Mr. Jones moved the adoption of the amendment, which was adopted.

Representative Jones offered the following amendment:

Amendment 2—On page 4, line 5, after the period insert: If the certificate of title is lost or unavailable at the time of sale to a retail purchaser, application for duplicate title shall be made within 10 days and application for transfer of title shall be filed within 10 days of receipt of the original or duplicate certificate of title.

Mr. Jones moved the adoption of the amendment, which was adopted.

Representative Jones offered the following amendment:

Amendment 3—On page 4, lines 8 and 9, strike "10 days" and insert: 10 days specified time.

Crenshaw	Hagan	Lewis, J. W.	Pajcic
Culbreath	Harrington	Lockward	Poole
Dyer	Hattaway	Margolis	Poorbaugh
Easley	Hawkins	Martin	Price
Eckhart	Hazelton	Matthews	Redman
Fechtel	Hazouri	Mattox	Richard
Flynn	Healey	Maxwell	Richmond
Fontana	Hector	McCall	Rish
Forbes	Hieber	McDonald	Robinson, J. W.
Fortune	Hill	McKnight	Sackett
Foster	Hodes	McPherson	Sheldon
Freeman	Hodges	Melvin	Skinner
Fulford	Hutto	Miller	Smith
Gallagher	James	Mixson	Thompson
Gersten	Johnson	Moore	Tolton
Gibson	Jones	Morgan	Tucker
Gordon	Kershaw	Neal	Watson
Gorman	Kiser	Nelson	Williams
Grizzle	Knopke	Nergard	Williamson
Grosse	Langley	Nuckolls	Willson
Haben	Lehman	Ogden	Young

Nays—7

Dixon	Lewis, T.	Peadar	Singleton
Hagler	Mann	Robinson, G. C.	

Representative Coolman was recorded as voting Yea. Representative Smith changed his vote from Yea to Nay.

So the bill passed and was certified to the Senate.

HB 2151—A bill to be entitled An act relating to the official Florida Statutes; amending sections 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 1975 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 1975 shall be effective immediately upon publication; providing that general laws enacted during the regular session of 1973 and prior thereto and not included in the Florida Statutes 1975 are repealed; providing that general laws enacted during the 1974 regular and special sessions and the 1975 regular session are not repealed by this adoption act.

—was read the third time by title. On passage, the vote was:

Yeas—112

The Chair	Flynn	Johnson	Nergard
Andrews	Fontana	Jones	Nuckolls
Avon	Forbes	Kershaw	Ogden
Barrett	Foster	Kiser	Peadar
Batchelor	Freeman	Knopke	Poole
Becker	Fulford	Langley	Poorbaugh
Belanger	Gallagher	Lehman	Price
Bell	Gersten	Lewis, J. W.	Redman
Blackburn	Gibson	Lewis, T.	Richard
Bloom	Gordon	Lockward	Richmond
Brown	Gorman	Mann	Rish
Burrall	Grizzle	Margolis	Robinson, G. C.
Campbell	Grosse	Martin	Robinson, J. W.
Cherry	Haben	Matthews	Rude
Clark, J. R.	Hagan	Mattox	Sackett
Clem	Hagler	Maxwell	Sheldon
Considine	Harrington	McCall	Singleton
Conway	Hattaway	McDonald	Skinner
Crabtree	Hawkins	McKnight	Smith
Craig	Hazelton	McPherson	Steinberg
Crenshaw	Hazouri	Melvin	Thompson
Culbreath	Healey	Miller	Tolton
Davis	Hector	Mixson	Tucker
Dixon	Hieber	Moffitt	Watson
Dyer	Hill	Moore	Williams
Easley	Hodes	Morgan	Williamson
Eckhart	Hodges	Neal	Willson
Fechtel	Hutto	Nelson	Young

Nays—None

Representative Coolman was recorded as voting Yea.

So the bill passed and was certified to the Senate.

CS for HB 341—A bill to be entitled An act relating to insurance; creating s.627.7405, Florida Statutes, requiring certain persons issuing automobile insurance policies to include a specific provision in the application for such policies informing potential policyholders that they may or may not be entitled to a premium reduction under certain circumstances; providing for notice to policyholders; providing an effective date.

—was read the third time by title. On passage, the vote was:

Yeas—84

The Chair	Eckhart	Hodges	Nuckolls
Andrews	Flynn	Hutto	Ogden
Avon	Fontana	Johnson	Pajcic
Barrett	Forbes	Jones	Papy
Becker	Fortune	Kershaw	Poorbaugh
Belanger	Freeman	Knopke	Price
Bell	Fulford	Kutun	Redman
Bloom	Gallagher	Langley	Richard
Brown	Gersten	Lehman	Richmond
Burrall	Gordon	Lewis, J. W.	Robinson, J. W.
Campbell	Gorman	Margolis	Sackett
Cherry	Grizzle	Martin	Sheldon
Clark, Dick	Grosse	Maxwell	Singleton
Clem	Haben	McKnight	Smith
Considine	Harrington	McPherson	Steinberg
Coolman	Hazelton	Melvin	Thompson
Crabtree	Hazouri	Moffitt	Tolton
Craig	Healey	Moore	Tucker
Crenshaw	Hector	Morgan	Williams
Culbreath	Hill	Nelson	Williamson
Davis	Hodes	Nergard	Young

Nays—33

Batchelor	Hagan	Mann	Rish
Blackburn	Hagler	Matthews	Robinson, G. C.
Clark, J. R.	Hattaway	McCall	Rude
Conway	Hawkins	McDonald	Skinner
Dixon	Hieber	Miller	Watson
Easley	James	Mixson	Willson
Fechtel	Kiser	Neal	
Foster	Lewis, T.	Peadar	
Gibson	Lockward	Poole	

Representative Mattox was recorded as voting Yea.

So the bill passed, as amended, and was certified to the Senate.

CS for CS for HB 1385—A bill to be entitled An act relating to motor vehicles; providing legislative intent; amending s.319.28(5) and (6), F. S., increasing the penalty for delinquent title transfers from \$1 to \$10, providing that the title or application for title shall contain certain data; amending s.320.01, F. S., introductory paragraph, and adding subsection (26) thereto, defining registration period; amending s.320.02(2), F. S., requiring applicant's full name, date of birth and sex on the registration form and deleting the age requirement therefrom; amending s.320.031, F. S., providing that registration and revalidation stickers may be mailed; providing that the mail service charge be the actual mail charge rounded up to the nearest 5 cents plus a 25 cents handling charge instead of the 50 cents currently charged; amending s.320.04(1), F. S., increasing the service charge accruing to the tax collectors and the department from 60 cents to \$1; amending s.320.06(1), (2), (3), (4), (5), (6), and (8), F. S., providing for extending the life of the current license plate by 11 months; providing certain license plates may be transferred from one class of vehicle to another without exchanging the original plate; providing a penalty; providing for four year alphanumeric license plates beginning July 1, 1977; providing a schedule of staggering registrations over the 12 month period; providing transfer of license plates; providing for revalidation stickers for three successive years; providing minimum refunds; providing a registration and renewal schedule for all other vehicles not categorized by birth month; amending s.320.07(1) and (3), F. S., providing for registration and revalidation during certain months; amending s.320.08, F. S., deleting prefix letter classifications; amending s.320.181(1) and (2), F. S., providing that temporary tags may be used on motor vehicles, the sale of which constitutes a casual or private sale; defines casual or

HB 2151
HB 1797
HB 2189
HB 2257
HB 2266
HB 2274
HB 2293
HB 2296
HB 2299
HB 658
HB 1004
HB 1827
HB 1250
HB 2066
HB 2159
HB 2162
HB 2170
HB 2177
HB 2187
HB 2148

HB 2208
HB 2214
HB 2217
HB 2233
HB 2249
HB 2271
HB 2286
HB 2307
HB 1396
HB 2067
HB 2160
HB 2165
HB 2171
HB 2178
HB 2195
HB 2206
HB 2209
HB 2215
HB 2218
HB 2234

HB 2259
HB 2273
HB 2287
HB 2024
HB 2154
HB 2161
HB 2168
HB 2176
HB 2185
HB 2147
HB 2207
HB 2213
HB 2216
HB 2226
HB 2240
HB 2260
HB 2275
HB 2290

Reports of Standing Committees

The Committee on Growth & Energy recommends the following not pass: HCR 380

The bill was laid on the table under the rule.

Engrossing Reports

Your Engrossing Clerk has incorporated amendments to—

HB 2040

HR 2334

Allen Morris, Clerk

Enrolling Reports

HM 1916 HCR 2320 HJR 291 HM 2328

—have been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on June 2, 1975.

Allen Morris, Clerk

—and has adopted HCR 1765

Joe Brown, Secretary

The bills and the concurrent resolution were ordered enrolled.

*The Honorable Donald L. Tucker
Speaker, House of Representatives*

I am directed to inform the House of Representatives that the Senate has concurred in House Amendments and passed SB 777, SB 868, SB 554, SB 708, SB 781, SB 567, SB 126, SB 298, SB 722 as amended.

Joe Brown, Secretary

Mr. Craig moved that the House adjourn upon the receiving of Reports to reconvene at 9:30 a.m. tomorrow, which was agreed to.

HB 1251	HB 10	HB 1072
HB 1252	HB 1176	HB 877
HB 1917	HB 862	HB 1223
HB 1864	HB 2092	HB 1898
HB 1805	HB 1731	HB 1084
HB 1799	HB 622	HB 1007
HB 1577	CS for HB's 868,	
HB 2093	1027, 1159	
HB 1603	CS for HB 1504	

—have been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 2, 1975.

Allen Morris, Clerk

Adjournment

Pursuant to the motion previously adopted, the House adjourned at 8:12 p.m. to reconvene at 9:30 a.m. tomorrow.

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The Honorable Dempsey J. Barron, President May 23, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended—HB 857—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Forbes and Smith—

HB 857—A bill to be entitled An act relating to the Florida retirement system and other state retirement systems; amending paragraphs (a) and (b) of subsection (2) of s.121.081, Florida Statutes, 1974 Supplement, authorizing claims for prior service as creditable service without awaiting lapse of one year period upon otherwise complying with said subsection; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

The Honorable Dempsey J. Barron, President May 23, 1975

I am directed to inform the Senate that the House of Representatives has passed HB 887 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Redman and Blackburn—

HB 887—A bill to be entitled An act relating to public buildings; adding subsection (8) to s.255.26, Florida Statutes, requiring state agencies to comply with county and municipal zoning ordinances in the construction, lease, or purchase of public buildings; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

The Honorable Dempsey J. Barron, President May 23, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2211 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Agriculture & General Legislation—

HB 2211—A bill to be entitled An act relating to pesticides and pest control; adding a new subsection (4) to s.482.211, Florida Statutes; adding a new subsection (2) to s.487.161, Florida Statutes, 1974 Supplement; exempting from the pest control act and the Florida Pesticide Application Act of 1974 the use of the antibiotic, oxytetracycline hydrochloride, for the control of lethal yellowing; providing an effective date.

—was read the first time by title and referred to the Committee on Agriculture.

The Honorable Dempsey J. Barron, President May 23, 1975

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

HB 1220

HB 1243

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Craig—

HB 1220—A bill to be entitled An act relating to the bicentennial commission of Florida; creating s.13.9978, Florida Statutes; providing authority for a grants-in-aid program and to make contracts; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Representative Eckhart and others—

HB 1243—A bill to be entitled An act relating to mangoes; amending s.570.55, Florida Statutes; including mangoes within

the coverage of the Florida Avocado and Lime Sales Law; providing a definition of "mangoes"; providing for enforcement and confiscation by any police department, sheriff, or deputy sheriff in the state; expanding the definition of "limes"; providing an effective date.

—was read the first time by title and referred to the Committee on Agriculture.

The Honorable Dempsey J. Barron, President May 23, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 1100 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Select Committee on Standards & Conduct and Representatives Tucker and McPherson—

CS for HB 1100—A bill to be entitled An act relating to public officers and employees and candidates for public office; adding a new subsection (4) to s.112.312, Florida Statutes, 1974 Supplement, amending ss.112.317, 112.321(1), 112.322, and 112.324, Florida Statutes, 1974 Supplement, and creating s.112.3241, Florida Statutes; providing for membership and terms of the Commission on Ethics; amending the powers and duties of the commission; providing procedures relating to advisory opinions; providing for complaint procedures; providing for a confidential preliminary investigation; providing for certain judicial proceedings and for judicial review; providing additional penalties; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations and Judiciary-Civil.

The Honorable Dempsey J. Barron, President May 26, 1975

I am directed to inform the Senate that the House of Representatives has passed HB 2151 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Rules & Calendar—

HB 2151—A bill to be entitled An act relating to the official Florida Statutes; amending sections 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 1975 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 1975 shall be effective immediately upon publication; providing that general laws enacted during the regular session of 1978 and prior thereto and not included in the Florida Statutes 1975 are repealed; providing that general laws enacted during the 1974 regular and special sessions and the 1975 regular session are not repealed by this adoption act.

(Accompanied by Volumes 1 and 2, F.S. 1978)

—was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Dempsey J. Barron, President May 26, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended—CS for HB 341 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce and Representative McKnight—

CS for HB 341—A bill to be entitled An act relating to insurance; creating s.827.7405, Florida Statutes, requiring certain persons issuing automobile insurance policies to include a specific provision in the application for such policies informing potential policyholders that they may or may not be entitled to a premium reduction under certain circumstances; providing for notice to policyholders; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

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JOURNAL OF THE FLORIDA SENATE

Friday, May 30, 1975

The Senate was called to order by the President at 9:00 a.m.
A quorum present—40

Mr. President	Graham	Myers	Stolzenburg
Brantley	Hair	Peterson	Thomas, J.
Childers, D.	Henderson	Plante	Thomas, P.
Childers, W. D.	Holloway	Poston	Tobiassen
Deeb	Johnston	Ranick	Trask
Dunn	Lane, D.	Saunders	Vogt
Firestone	Lane, J.	Saylor	Ware
Gallen	Lewis	Scarborough	Wilson
Glisson	MacKay	Sims	Winn
Gordon	McClain	Spicola	Zinkil

Excused: Senator D. Childers at 3:00 p.m.

Prayer by the Senate Chaplain:

We come to you, our God, perhaps compelled by Senate custom—but no matter—we come.

You do not ask us how we come you only ask us why, and, more than often, we don't know.

"We know not why the evil, we know not why the good—both mysteries—remain unsolved, and both insoluble.

We know that both are there, the battle set, and we must fight on this side or that.

We can't stand shivering on the brink.

We plunge head first. We bet our life on beauty, truth and love."

(Studdart Kennedy Poem on Faith)

So be it, Lord: Amen.

REPORTS OF COMMITTEES

The Committee on Ways and Means recommends the following pass:

SB 1124 with 1 amendment	SB 637
SB 1027	
HB 41	SB 767
HB 42 with 2 amendments	SB 772 with 3 amendments
HB 43	SB 870
HB 182 with 2 amendments	SB 1001
HB 970 with 1 amendment	SB 1200
SB 29 with 1 amendment	SB 1188
SB 412	

The Committee on Ways and Means recommends the following pass:

SB 1097	HB 1909 with 8 amendments
SB 1127 with 2 amendments	HB 469
HCS for CS for HB 984 with 2 amendments	HB 172 with 1 amendment

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Ways and Means recommends a Committee Substitute as recommended by the Committee on Judiciary-Civil for the following: SB 806

The bill with committee substitute attached was placed on the Calendar.

The Committee on Ways and Means recommends the following not pass: SB 275

The bill was laid on the table.

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Friday, May 30, 1975:

HB 1357	CS/HB 1231	HB 809	CS for HB's
SB 880	SB 759	HB 132	483, 484,
HB 102	SB 555	SB 1134	503, 544,
SB 1097	CS/SB 868	SB 509	598, 679,
SB 74	CS/SB 810	SB 1121	999
HB 1778	HB 1923	HB 798	HB 2338
HB 984	HB 548	SB 337	SB 1195
HB 1909	HB 549	SB 173	HB 324
CS/SB 328	SB 1820	SB 1029	SB 531
HB 1601	HB 1759	HB 1829	SB 682
SB 801	SB 607	SB 809	SB 988
SB 1127	HB 1100	CS/HB 1572	HB 991
CS/HB 522	HB 2099	SB 418	SB 807
& 1192	HB 660	HB 1524	SB 510
SB 591	HB 1921	SB 485	HB 1356
HB 2341	HB 2124	SB 819	
HB 1222	HB 2071	HB 2151	

Respectfully submitted,
Lew Brantley, Chairman

The Committee on Rules and Calendar recommends that the following bills be placed on Consent Calendar for Friday, May 30, 1975, for a period of one (1) Hour:

CS for SB 899	SB 1168	SB 356	SB 1163
SB 189	SB 1029	SB 14	SB 170
SB 577	SB 800	SB 1043	SB 1030
SB 628	SB 184	SB 239	SB 664
SB 868	SB 824	SB 1296	HB 1217
SB 1059	SB 1031	SB 293	SB 392
SB 658	SB 682	SB 936	SB 1293
HB 2124	SB 1143	HB 2034	HB 1601
HB 1268	SB 179	SB 1221	

Respectfully submitted,
Lew Brantley, Chairman

The Committee on Rules and Calendar recommends that the following bills be placed on the Claim Bill Calendar for Friday, May 30, 1975:

SB 372	HB 172	HB 335	HB 682
SB 552	HB 326	HB 469	HB 758

And those Claim Bills that will be withdrawn from the Ways and Means Committee by Senator Saunders.

Respectfully submitted,
Lew Brantley, Chairman

The Committee on Rules and Calendar recommends that the following bills be placed on Local Bill Calendar for Friday, May 30, 1975.

HB 1236	HB 2209	HB 2168	HB 2177
HB 2227	HB 2234	HB 2307	HB 2178
HB 2203	HB 2273	HB 2248	HB 2171
HB 2195	HB 2024	HB 2218	HB 2187
HB 2215	HB 2161	HB 2212	HB 2240
HB 2214	HB 2162	HB 2217	HB 2185
HB 2143	HB 2236	HB 2259	HB 2271
HB 2147	HB 1396	HB 2165	HB 2260
HB 2226	HB 2169	HB 2275	HB 2287
HB 2213	HB 2176	HB 2216	HB 2290
HB 2208	HB 1894	HB 2154	
HB 2207	HB 2179	HB 2160	
HB 2206	HB 2170	HB 2233	

Respectfully submitted,
Lew Brantley, Chairman

ENGROSSING REPORT

Your Engrossing Clerk has incorporated amendments to—

CS for SB 174	SB 459	CS for SB 189
SB 148	CS for SB 165	

Joe Brown, Secretary

The bills were ordered enrolled.

JOURNAL OF THE FLORIDA SENATE

Monday, June 2, 1975

The Senate was called to order by the President at 10:00 a.m.
A quorum present—39:

Mr. President	Graham	Myers	Thomas, J.
Brantley	Hair	Peterson	Thomas, P.
Childers, D.	Henderson	Plante	Tobiasen
Childers, W. D.	Holloway	Poston	Trask
Deeb	Johnston	Renick	Vogt
Dunn	Lane, D.	Saunders	Ware
Firestone	Lane, J.	Saylor	Wilson
Gallen	Lewis	Sims	Winn
Glisson	MacKay	Spicola	Zinkil
Gordon	McClain	Stolzenburg	

Excused: Senator Scarborough because of illness.

Prayer by the Senate Chaplain:

Our Father the apostle of old could declare that "He had fought a good fight and finished his course . . ."

These your servants have struggled hard with problems of state. They have frequently been in opposition to each other yet through the democratic processes they have passed legislation needed for our state.

Grant them in these closing days a sense of accomplishment, relief from frustration in the awareness that history will continue to proceed though not always at our chosen pace.

May your blessing attend them in their constituencies: May their ears and hearts ever be open to the needs of people: May they dream dreams of social betterment and see visions of a greater state. Amen.

The Senate pledged allegiance to the flag of the United States of America.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Monday, June 2, 1975:

HB 470	SB 1311	SB 759	CS/HB 256
HB 2151	SB 928	CS/HB 1759	SB 1134
SB 861	SB 590	SB 1265	SB 583
SB 325	SB 807	HB 2284	SB 607
SB 572	HB 1780	HB 182	SB 267
SB 524	HB 1289	HB 970	CS/SB 418
CS for CS for	HB 2082	HB 809	HB 2201
HB 984	SB 936	SB 559	SB 1195
SB 1013	SB 508	SB 245	HB 1765
HB 1909	HB 1100	HB 215	
CS for HB	CS/HB 660	SB 1007	
1572	HB 2099	HB 435	

Respectfully submitted,
Lew Brantley, Chairman.

The Committee on Rules and Calendar recommends that the following bills be placed on Local Bill Calendar for Monday, June 2, 1975:

HB 1894	HB 2256	HB 2231	HB 2130
HB 2380	HB 2296	HB 933	HB 2179
HB 2266	HB 2261	HB 2189	HB 2205
SB 1392	HB 2298	SB 1385	HB 2268
HB 2257	HB 2292	SB 832	HB 2269
HB 2293	HB 2294	HB 1797	HB 1420
HB 2297	HB 2291	HB 2017	SB 653
HB 2295	HB 2270	HB 2018	HB 2077
HB 2263	HB 2274	HB 2019	HB 2203
HB 2299	HB 2188	HB 2020	HB 1574

Respectfully submitted,
Lew Brantley, Chairman.

ENGROSSING REPORTS

Your Engrossing Clerk has incorporated amendments to—

SB 44	SB 115	SB 131	SB 1330
SB 255	SB 49	SB 568	SB 1351
CS for SB 158	SB 41	SB 830	SB 1381

Joe Brown, Secretary

The bills were ordered enrolled.

ENROLLING REPORTS

SB 148	SB 289	SB 440
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—have been enrolled, signed by the required Constitutional Officers and filed with the Governor on June 2, 1975.

Joe Brown, Secretary

SB 1368 has been enrolled, signed by the required Constitutional Officers and filed with the Governor on June 2, 1975.

Joe Brown, Secretary

By unanimous consent Senator Hair was recorded as voting yea on Senate Bills 1059, 1330, 830, 1351 and House Bills 682 and 753 which passed the Senate May 30; and CS for SB 174, SB 148, HB 856 and CS for HB's 22, 62 and 116 which passed the Senate May 29.

By unanimous consent Senators Hair and Brantley changed their votes from yea to nay on SB 591 which passed the Senate May 30.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator W. D. Childers, by two-thirds vote HB 1004 was withdrawn from the Committee on Transportation and placed on the calendar.

On motion by Senator W. D. Childers, by two-thirds vote HB 1641 was withdrawn from the Committee on Agriculture and placed on the calendar.

On motion by Senator Sims, by two-thirds vote HB 1372 was withdrawn from the Committee on Commerce and placed on the calendar.

On motion by Senate Henderson, by two-thirds vote HB 2242 was withdrawn from the Committee on Commerce and placed on the calendar.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Secretary announced that the Governor had transmitted to the Senate the Health Element of the State Comprehensive Plan prepared by the Department of Administration and the Department of Health and Rehabilitative Services pursuant to Chapter 23, Florida Statutes.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President May 30, 1975

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to HB 228, HB 10, HB 1087, HB 855, HB 1395 and passed as amended.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President May 30, 1975

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended—

HB 1421	HB 2279
HB 2155	HB 1384
HB 541	HB 782

11 of 12

after hearing, to prescribe reasonable rates, to supersede rates found to be unreasonable, to authorize the commission to adopt rules governing the filing of tariffs, to provide that permanent general rate increases may not be authorized by the commission without public hearing, to provide for interim tariff changes, to prohibit carriers from charging other than approved rates; creating s.330.492, Florida Statutes, to provide for transfer of a certificate after application and approval; amending s.330.52(1), Florida Statutes, by authorizing the commission to levy a fine, suspend a certificate where holder fails to conform to the law, commission rules and regulations; providing procedure for declaring certificate dormancy; amending s.330.52(3), Florida Statutes, by authorizing the commission to grant authority to temporarily suspend or delete a certificated route or airport and providing a fee therefor; amending s.330.52(4), Florida Statutes, by authorizing the commission to adopt rules applicable to carriers, provide for taking testimony and depositions, prescribe procedure, exercise all judicial powers, and issue writs to enforce commission orders or requirements, by authorizing the courts of this state to enjoin the illegal operation of air carriers at the instance of the commission; amending s.330.52(5), Florida Statutes, by providing that the evidentiary rules of the circuit courts shall apply to commission hearings, except as otherwise provided by commission rules; amending s.330.52(6), Florida Statutes, by authorizing parties aggrieved by actions of the commission to request reconsideration within fifteen days, deleting the requirement that the commission act on requests for reconsideration within thirty days, and providing for review of commission orders by the supreme court of Florida; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

On motion by Senator P. Thomas, by two-thirds vote HB 1889 was withdrawn from the Committee on Commerce and placed on the calendar.

The Honorable Dempsey J. Barron, President May 30, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1857 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hodges (by request)—

HB 1857—A bill to be entitled An act relating to drivers' licenses; creating s.322.112, Florida Statutes; providing for a medical advisory board to advise the Department of Highway Safety and Motor Vehicles on certain medical criteria relating to drivers' licenses; providing for the appointment of a twelve member board, one member of which shall be a medical doctor employed by the Department of Health and Rehabilitative Services; providing for reporting of a driver with mental or physical disability; providing for confidentiality and immunity from legal action; providing an effective date.

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

The Honorable Dempsey J. Barron, President May 30, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended —HB 1775

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Foster—

HB 1775—A bill to be entitled An act relating to professional driver training schools and instructors; creating s.488.015, Florida Statutes, providing definitions; amending ss.448.02-448.06, Florida Statutes; providing for licensing and certification; providing for payment of fees; providing for suspension and revocation of licenses and certificates; providing for pro-

mulgation of rules and regulations by the Department of Highway Safety and Motor Vehicles; providing a penalty; creating s.488.08, Florida Statutes; providing for disposition of revenues; repealing s.488.01, Florida Statutes, relating to licensing of driver's schools; providing that act does not apply to driver education programs under s.238.063, Florida Statutes; providing an effective date.

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

SPECIAL ORDER

CS for HB 470—A bill to be entitled An act relating to education; amending subsections (2) and (3) to section 233-0641, Florida Statutes, 1974 Supplement; providing for a free enterprise and consumer education program; providing for elements to be included in such a program; providing an effective date.

—was read the second time by title. On motion by Senator Wilson, by two-thirds vote CS for HB 470 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Graham	Myers	Thomas, J.
Brantley	Henderson	Peterson	Thomas, P.
Childers, D.	Holloway	Plante	Tobiasen
Childers, W. D.	Johnston	Poston	Trask
Deeb	Lane, D.	Renick	Vogt
Firestone	Lane, J.	Saunders	Wilson
Gallen	Lewis	Sims	Winn
Glisson	MacKay	Spicola	Zinkil
Gordon	McClain	Stolzenburg	

Nays—None.

By unanimous consent Senator Hair was recorded as voting yea.

On motion by Senator Wilson, by two-thirds vote SB 1121 was removed from the calendar and indefinitely postponed.

On motion by Senator Johnston, by two-thirds vote HB 2151 was withdrawn from the Committee on Rules and Calendar and placed on the calendar.

HB 2151—A bill to be entitled An act relating to the official Florida Statutes; amending sections 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 1975 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 1975 shall be effective immediately upon publication; providing that general laws enacted during the regular session of 1973 and prior thereto and not included in the Florida Statutes 1975 are repealed; providing that general laws enacted during the 1974 regular and special sessions and the 1975 regular session are not repealed by this adoption act.

—was read the second time by title. On motion by Senator Johnston by two-thirds vote HB 2151 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Graham	Myers	Thomas, J.
Brantley	Henderson	Peterson	Thomas, P.
Childers, D.	Holloway	Plante	Tobiasen
Childers, W. D.	Johnston	Poston	Trask
Deeb	Lane, D.	Renick	Vogt
Firestone	Lane, J.	Saunders	Wilson
Gallen	Lewis	Sims	Winn
Glisson	MacKay	Spicola	Zinkil
Gordon	McClain	Stolzenburg	

Nays—None

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, STATE OF FLORIDA

STATE OF FLORIDA,
Plaintiff,

-vs-

Defendant.

CRIMINAL DIVISION "W"

CASE NO.: [REDACTED]

(B) (1)

**DEFENDANT'S REPLY TO STATE'S RESPONSE TO AMENDED MOTION
FOR POST CONVICTION RELIEF AND MEMORANDUM OF LAW**

COMES NOW, the Defendant, [REDACTED], by and through undersigned counsel, pursuant to this Honorable Court's Order of March 22, 2002, GRANTING this Defendant's Motion For A Thirty Day Extension To File His Reply To State's Response To His Motion For Post Conviction Relief, files this Reply, and states as follows:

I.
STATEMENT OF THE CASE

The Defendant accepts the State's version of, STATEMENT OF THE CASE.

II. LEGAL ARGUMENT
POINT ONE

**THE TRIAL COURT LACKED JURISDICTION TO PROSECUTE THIS
DEFENDANT UNDER A CONSTITUTIONALLY INVALID STATUTE**

(Reply To State's Response)

This Defendant averred that the two statutes he was convicted under, §§ 800.04(1) and 794.041(2)(b), thereto that the Legislature failed to adopt is without jurisdiction in the principle action, is void and not merely voidable. Thus, a conviction based on a charge based on such is an absolute nullity and is subject to collateral attack. Johnson v. McKinnon, 54 Fla. 221, 45

So. 23 (1907); Bloxham v. Consumers' E. L. & S. R. Co., 36 Fla. 519, 18 So. 444 (1895). This rule is applicable regardless of whether the lack of jurisdiction pertains to the subject matter or to the person. In support thereof this defendant advanced:

ARTICLE III, SECTION 6, OF THE FLORIDA CONSTITUTION, in relevant part:

...No law shall be revised or amended by reference to its title only. Laws to revise or amend shall set out in full the revised or amended act, section, subsection or paragraph of a subsection...

Applied to the instant case this defendant advanced in order to show lack of jurisdiction of this Court he must advance the history of the statute's at bar, requiring him to make a prima facie case demonstrating that the Statutory Revision and Indexing Division never prepared a reviser's bill and submitted it to the 1974 Legislature for its adoption. See and compare Appendix "A" & "B" affixed onto Amended Motion For Post Conviction Relief.

Going one step further this defendant provided to this court an in-depth study of the "Powers, duties and functions" of the Statutory Revision and Indexing Division. See Appendix "G" affixed onto the Amended Motion For Post Conviction Relief the cause of this action. And for this Honorable Court's convenience, see, the following in relevant part:

11.242 Powers, duties and functions as to statutory revision.-The powers, duties and functions of the joint committee in the operation and maintenance of a statutory revision program **shall** be as follows:

(1) To conduct a systematic and continuing study of the statutes and laws of this state for the purpose of reducing their number and bulk, removing inconsistencies, redundancies and unnecessary repetitions and otherwise improving their clarity and facilitating their correct and proper interpretation; and for the same purpose, to prepare and submit to the Legislature reviser's bills and bills for the amendment, consolidation, revision, repeal or other alterations or changes in any general statute or law or parts thereof of a general nature and application of the preceding session or sessions which may appear to be subject to revision. Any revision, either complete, partial or topical, prepared for submission to the Legislature shall be accompanied by revision and history notes relating to the same, showing the changes made therein and the reason for such recommended change.

(5) In carrying on the work of statutory revision and in preparing the Florida Statutes for publication:

(c) All laws of a general and permanent nature which are of general application throughout the state enacted by any current session of the Legislature shall be compiled and included, assigning thereto in all appropriate places such chapter and section identification, by the decimal system of numbering heretofore embodied in the Florida Statutes, as is appropriate and proper, but all chapters and sections so compiled **shall** be included with a history note, clearly showing that said section or chapter was not part of the revision at the time of its adoption and giving the proper legislative session law chapter and section number. The matter included under the authority of this subsection **shall** be incorporated as enacted in any current session and **shall** be prima facie evidence of such law in all courts of the state.

Looking at the foregoing objectively, it is well settled that, "[i]n order for statutory law to be amended it is necessary that the law as amended be enacted by the Legislature, either by expressly enacting the Cumulative Supplement in which it is contained in toto or by a separate specific enactment of the amendment itself." Foley v. State, 50 So.2d 179, 183 (Fla.1951). Clearly, the law enacted by the Legislature is not the same one that appears within the 1974 Supplement to Florida Statutes 1973. Therefore, the constitutionality of a statute is a question for the court. Department of Revenue v. Florida Home Builders Assn., 564 So.2d 173 (Fla. 1st DCA 1990); rev. denied 576 So.2d 286.

The jurisdictional appellate Court to this Honorable Court, as well as virtually all other sister appeals courts, and an en banc Supreme Court, agree that the Legislature cannot override constitutional rights guaranteed by either the Florida or Federal Constitution. See generally, Weber v. City of Fort Lauderdale, 675 So.2d 696 (Fla. 4th DCA 1996); Department of Education v. Glasser, 622 So.2d 1003 (Fla. 1st DCA 1992); and Foley v. State, supra.

It may fairly be presumed that if, in fact, the Legislature intended to adopt the wording and supplemental sections and subsections included and deleted as they appeared in the 1974 Supplement to Florida Statutes 1973, the Legislature did not so in regards to the charges on which this Defendant, ~~John J. Glasser~~ was charged and convicted. While amending and revising the statute numerous times throughout the subsequent years, the Legislature has failed to adopt chapter 794 as it appeared in the 1974 Supplement to Florida Statutes 1973. This is in violation of Article III, section 6, of the Florida Constitution.

Confirming this Defendant's claim to a prima facie case being made sufficient to raise substantial issues open to collateral attack, as the records and the files (probative documentary exhibits) that were attached to his amended motion conclusively show the

Legislature has failed to adopt chapter 794 as it appeared in the 1974 Supplement to Florida Statutes 1973. Therefore, as a matter of Florida Law, in the very least, an evidentiary hearing is required under the due process clauses of State and Federal Constitutions. **DOUGHERTY V. WAINWRIGHT**, 491 F.Supp. 1317 (U.S. Dist. Ct. M.D. 1980). Because, it is readily apparent tracking the 794 chapter, from its creation in 1974, and the many amendments over the years, it wasn't until the 1999 Legislative Session, did the Legislature REENACT the chapter. See Chapter 99-3, Section 9, Laws of Florida, effective June 29, 1999.

The State argues that in this Defendant's constitutional arguments raised in his motion do not address the specific portions of Chapter 794 and 800 he was charged and convicted of. Therefore, this Defendant does not have standing to address the constitutionality of statutes with which he was not charged and convicted. The State's arguments in the Response is nothing more than *subterfuge*, utilized in an attempt to mislead the trial court to the application of applicable controlling authorities cited herein and within the 'Amended Motion'. A bare bone response with insufficient attachments to refute this defendant's claims that the Legislature has failed to adopt chapter 794 as it appeared in the 1974 Supplement to Florida Statutes 1973. See e.g., FREEMAN V. STATE, 616 So.2d 181, 18 Fla. L. Weekly D882 (Fla. 2nd DCA. 1993); and WAUGH V. STATE, 661 So.2d 78, 20 Fla. L. Weekly D1476 (Fla. 2nd DCA 1995).

Accord, this Defendant disagrees with the State's *barebone response*, and will specifically point out the portions of his motion the State is attempting to circumvent.

On page 7 of this Defendant's Amended Motion, the following argument along with an appendix affixed onto, will refute the State's argument, and are as follows:

In Chapter 84-86, Section 1, 5, & 6, Laws of Florida, the Legislature once again amended §§. 794.011, 800.04, 775.15, Florida Statutes; Creating §§. 794.012, 794.013, 794.023, Florida Statutes, in Chapter 84-86, Sections 2, 3, & 4, Laws of Florida. See Appendix "E" affixed onto Amended Motion For Post Conviction Relief, stating that simply when the amended chapter 794, appeared published in the 1984 Supplement to Florida Statutes 1983, chapter 794 did not appear as amended by the Legislature, s. 794.011 was reworded and had substantial changes. §§. 794.012 and 794.013, never appeared in the 1984 Supplement to Florida Statutes 1983, yet was enacted by the Legislature. Section 794.041, magically appeared published but was never created or enacted by the legislature. Further supporting this Defendant's claim that The State's arguments in the Response is nothing more than *subterfuge*, utilized in an attempt to mislead the trial court to the application of applicable controlling authorities cited herein and within the 'Amended Motion'. A *bare bone* response

with *insufficient attachments* to refute this defendant's claim that Section 794.041, magically appeared published but was never created or enacted by the legislature. See e.g., FREEMAN V. STATE, 616 So.2d 181, 18 Fla. L. Weekly D882 (Fla. 2nd DCA. 1993); and WAUGH V. STATE, 661 So.2d 78, 20 Fla. L. Weekly D1476 (Fla. 2nd DCA 1995).

In Chapter 84-86, Section 1, there was additional language added to 794.011(1)(h); "a person 11 years of age or younger" was changed to "a person less than 12 years of age" in 794.011(2); "12 years of age or older" replaced "over the age of 11 years" in 794.011(3), (4), * and (5); and the familial, custodial, or official authority was deleted. See Appendix "E" affixed onto Amended Motion For Post Conviction Relief.

In Chapter 84-86, Section 2, & 3, Sections 794.012, and 794.013 Florida Statutes, were created. When amended chapter 794, appeared published in the 1984 Supplement to Florida Statutes 1983, chapter 794 did not appear as amended by the Legislature, s. 794.011 was reworded and had substantial changes. §§. 794.012 and 794.013, never appeared in the 1984 Supplement to Florida Statutes 1983, yet was enacted by the Legislature. Section 794.041, magically appeared published but was never created or enacted by the legislature. See Appendix "F" affixed onto Amended Motion For Post Conviction Relief.

In Chapter 84-86, section 5, Laws of Florida, the legislature amended 800.04, Florida Statutes. The Statutory Revision Service deleted words and added words as follows: the words "sexual battery" was added to the title; "shall" was deleted from "Any person who shall:"; in subsection (1), the words "Handle, fondle or make," were changed to the plural; in subsection (2), they substituted "any" for "such" and added "under the age of 16 years" after "Child"; in subsection (3), they substituted "any" for "such" and added "under the age of 16 years" after "Child", substituted "shall be" for "is" preceding "guilty". See and compare Appendix "E" & "F" affixed onto Amended Motion For Post Conviction Relief. All this was done without a "Reviser's Bill" submitted to the Legislature, for adoption, thus, invalidating this section. Foley v. State, supra.

Several more times throughout the years, in 1989, 1990, 1991, 1992, the Legislature made several amendments to Chapter 794 but at no time has Chapter 794 been properly enacted pursuant to the provisions set forth in Article III, Section 6 of the Florida Constitution. Akin to this case at bar, is Shuman v. State, 358 So.2d 1333 (Fla.1978), the Florida Supreme Court found that the Statutory Revision Division made "substantive" changes in Section 3, Chapter 76-287, Laws of Florida, as embodied in s. 57.091, Florida Statutes (Supp.1976), is without force or effect because Section 57.091 has not been adopted by the legislature. Jones

v. Christina, supra; Foley v. State, supra; McCulley Ford, Inc. v. Calvin, 308 So.2d 189 (Fla. 1st DCA 1974). The "substantive" changes referred to by the court was the Statutory Revision Division deletion of the conjunctive word "and," as well as inserting a comma between criminal prosecutions and state prisoners. The Statutory Revision Division's publication of the statutes of this State as revised and consolidated is adopted biennially by the legislature. By Chapter 77-266, Laws of Florida, the 1977 Legislature adopted the statutes of 1975, to be published under the title "Florida Statutes 1977." All laws enacted at or prior to the 1975 legislature session not contained in Florida Statutes 1977 were repealed. The enrolled act, Section 3, Chapter 76-287, stands as the official, primary evidence of the law as enacted by the legislature. See Section 11.242(5)(c), Florida Statutes (1975), **Appendix "G"** affixed onto Amended Motion For Post Conviction Relief; McCulley Ford, Inc. v. Calvin, supra.

The Supreme Court made no determination as to the effect of Section 57.091, Florida Statutes (Supp.1976), should the 1979 Legislature adopted it as amended by the Statutory Revision Division. In order for that to be performed, the Statutory Revision Division, pursuant to s. 11.242(1), Florida Statutes, would have to prepare a reviser's bill for submission to the Legislature shall be accompanied by revision and history notes relating to the same, showing the changes made therein and the reason for such recommended change. Until that time, Section 57.091, Florida Statutes (Supp.1976), the statutory revision division's publication, constitutes only prima facie evidence of the law. The enrolled act, Section 3, Chapter 76-287, stands as the official, primary evidence of the law as enacted by the Legislature.

Article III, Section 1, of the Florida Constitution in relevant part: "The legislative power of the state shall be vested in a legislature of the State of Florida..." This grant of power embraces both "the power to enact laws" and the power "to declare what the law shall be." Chiles v. A, B, C, D, E, & F, 589 So.2d 260, 264 (Fla.1991).

The term "legislative power" as used in Article III, most particularly embraces statutes defining criminal offenses; and in the field of criminal law, the concept of separation of powers is directly linked to the Constitutional guarantee of due process. Thus, the Florida Supreme Court have held that "criminal statutes must be strictly construed according to their letter, and ... this rule emanates from Article I, Section 9 and Article II, Section 3 of the Florida Constitution." Jeffries v. State, 610 So.2d 440, 441 (Fla.1992). The nondelegation doctrine arising from Article II, Section 3 is directly at issue because "the power to create crimes and punishment in derogation of the common law inheres solely in the democratic processes of the legislative branch." Perkins v. State, 576 So.2d 1310, 1312 (Fla.1991)(emphasis added).

Likewise, due process is implicated because Article I, Section 9, requires that a criminal statute reasonably apprise persons of those acts that are prohibited; and failure to do so constitutes a due process violation. Jeffries; Perkins, *supra*.

These conclusions apply all the more forcefully to felonies, like the one at issue here.

ARTICLE X, SECTION 10, OF THE FLORIDA CONSTITUTION, in relevant part:

...The term "felony ... of this state shall mean any criminal offense that is punishable under the laws of this state ... by death or by imprisonment ...

In sum, no felony can exist under Florida law unless created by a valid statute properly approved by the legislature. **Therefore**, Florida recognizes no common law felonies. **Whereas**, section 775.02, Florida statutes (1989) (no common law crime may be treated as a felony).

ARTICLE I, SECTION 18, OF THE FLORIDA CONSTITUTION, in relevant part:

...No Administrative agency ... shall impose a sentence of imprisonment, nor shall it impose any other penalty except as provided by law...

Due process means the right of notice and the right to defend against a specific charge arising from a specific criminal statute. Art. I, sec. 9, Fla. Const.; Amendment XIV, United States Const.. State v. Webb, 398 So.2d 820, 824-25 (Fla.1981), the Florida Supreme Court held:

1 ...It is a fundamental rule of statutory construction that legislative intent is the polestar by which the court must be guided, and this intent must be given effect even though it may contradict the strict letter of the statute.... To determine legislative intent, we must consider the act as a whole-"the evil to be corrected, the language of the act, including its title, the history of its enactment, and the state of the law already in existence bearing on the subject." Foley v. State, 50 So.2d 179, 184 (Fla.1951)(emphasis added). In determining legislative intent, we must give due weight and effect to the title ... which was placed at the beginning of the section by the legislature itself. The title is more than an index to what the section is about or has reference to; it is a direct statement by the legislature of its intent. Berger v. Jackson, 156 Fla. 251, 23 So.2d 265 (1945).

In the creation of Chapter 794, Florida Statutes, the 1974 Legislature made it abundantly clear of their intent and one only has to look at that creation. It is well recognized rule of statutory construction that where an act is intended to make a complete revision or

creation of an entire subject of legislation, it operates as an *implied repeal* of earlier acts dealing with the same subject. See Zedalis v. Foster, 343 So.2d 849, 850 (Fla. 2d DCA 1976).

In Oldham v. Rooks, 361 So.2d 140 (Fla. 1978), the Supreme Court recognized that an implied repeal of earlier acts occur when the legislature makes a complete revision of a subject. The Honorable Court held:

...[W]hen the legislature makes a complete revision of a subject it serves as an implied repeal of earlier acts dealing with the same subject unless an intent to the contrary is shown.... 361 So.2d at 143.

See also Orange City Water Co. v. Town of Orange City, 255 So.2d 257 (Fla.1971); State v. Newell, 85 So.2d 124 (Fla.1956); Brevard County v. Board of Public Instruction of Brevard County, 159 Fla. 869, 33 So.2d 54 (1947); Town of Palm Beach v. Palm Beach Local 1866, I.A.F.F., 275 So.2d 247 (Fla.1973).

It is well-settled rule in this state that, where the Constitution says that each house of the Legislature *shall* "keep a journal of its proceedings which shall be published," and expressly requires that "the vote on the final passage of every bill or joint resolution shall be taken by yeas and nays, to be entered on the journal of each house," the journals are conclusive on the point whether the yea and nay vote was so taken and entered. Thus in State ex rel. Attorney General v. Green, 36 Fla. 154, 18 South. 334, the Supreme Court said:

...It is generally held that the plain constitutional injunctions as to the mode and manner of enacting laws are mandatory, and the equally high authority that journals of the proceeding shall be kept, strengthens the view that the evidence of a compliance with such injunctions should be found in the journals....

See also Wade v. Atlantic Lumber Co., 51 Fla. 628, 41 South. 72; Mathis v. [74 Fla. 561] State, 31 Fla. 291, 12 South. 681; State ex rel. Markens v. Brown, 20 Fla. 407.

In the latter case the Supreme Court held:

...In testing the question whether an act of the Legislature was passed in conformity to the requirements of the Constitution, the Journals of the Houses of the Legislature will be examined; and if the Journals furnish conclusive evidence that any bill was not passed in a constitutional manner, *it cannot be recognized as a law*....

* GIST

The rule in this state is thus stated by Chief Justice Mabry in the case of State ex rel. Attorney General v. Green, supra:

...There are two conflicting views held by the decisions on this subject. Under constitutional requirements that journals of the proceedings of the legislative bodies shall be kept and published, it has been held in many decisions that, where the journal entries, as to the legislative proceedings, are explicit, and conflict even with legislative acts regularly authenticated, the journals are superior, and the courts will be governed by them as to matters clearly, explicitly, and affirmatively stated therein. The other view, maintained by high authority, is that the legislative act itself embodied in a bill engrossed and enrolled, and bearing the proper official signatures, is of higher dignity than the journals, and will override them. This court has placed itself on the side of those maintaining the view first stated (State ex rel. v. Brown, 20 Fla. 407; State ex rel. v. Deal, 24 Fla. 293, 4 South. 899 [12 Am. St. Rep. 204]; Mathis v. State, 31 Fla. 291, 12 South. 681); and as there is ample authority to sustain this view, we will not now make any departure....

In the case of State ex rel. Turner v. Hocker, 36 Fla. 358, 18 South. 767, Mr. Justice Taylor, who delivered the opinion of the court, said:

...It is well-settled that the journals kept by the two houses of the Legislature of their proceedings are public records of which the courts will take judicial notice....

In the case of Bloxham v. Florida Cent. & P. R. Co., 35 Fla. 625, 17 South. 902, the court in order to satisfy itself about a matter not in the record, examined the articles of incorporation of the *Florida Central & Northern Railroad Company* where on file in the office of the Secretary of State, and used the information thus derived in reaching a conclusion on certain aspects of the case.

In these cases the court acted in accordance with a well-established rule that those things of which a court may take judicial notice require **no proof**. Thus, in State v. Main, 69 Conn. 123, 37 Atl. 80, 36 L. R. A. 623, 61 Am. St. Rep. 30, the court said:

... Judicial notice takes place of proof, and is of equal force. As means of establishing facts it is therefore superior evidence, * * * since, as it stands for proof, it fulfills the object which evidence is designed to fulfill, and makes evidence unnecessary. * * * If, in regard to any subject of judicial notice, the court should permit documents to be referred to or testimony [74 Fla. 565] introduced, it would not be, in any proper sense, the admission of evidence, but simply a resort to a convenient means of refreshing the memory, or making the prior of that of which everybody ought to be aware....

Judicial notice of the matters included in Section 90.201, Fla.Stat. is mandatory even though the matter may likewise be included in the discretionary provisions of Section 90.202, Fla.Stat. For example, public statutory law of this state is a subject for mandatory notice under Section 90.201, Fla.Stat. even though it would also be included under the official acts of the legislature under Section 90.202(5), Fla.Stat..

Therefore, this Defendant has set-forth a prima facie case showing the State advancing nothing more than subterfuge in an attempt to mislead this Court from the fact that the constitution and statutes are judicially noticed by state courts, and such judicial notice includes authoritative decisions construing them and settling questions of law. State ex rel. Landis v. Prevatt, 110 Fla. 29, 148 So. 578 (1933). See also Calif.Evid.Code § 451 for a similar provision.

This Defendant contends that the State erred in their response, that is, this Defendant's claims are meritless and he does not have standing to address the constitutionality of statutes with which he was not charged and under which he was not convicted. To the contrary, this Defendant's review of the State's response, reflects that it sets forth answers to Defendant's allegations but attaches no public records to conclusively show that, Section 794.041(2)(b), that magically appeared published in the 1984 Supplement to Florida Statutes 1983, was created or enacted by the 1984 Legislature. Therefore, the State's response is nothing more than a *bare bone* response with *insufficient attachments* to refute this defendant's claims FREEMAN V. STATE, *supra*, and WAUGH V. STATE, *supra*.

Simply, the State's *bare bone* response has *insufficient attachments* to refute this Defendant's claim that the History Note, shown at the end of s. 794.041, published in the 1984 Supplement to Florida Statutes 1983, shows it was Created in Chapter 84-86, Section 2. However, to the contrary, s. 794.041 has never been created by the Legislature, in Chapter 84-86, Section 2, or in any other Legislative Session, nor can/has the State produce any documentation to the contrary. See and compare Appendix "E" & "F" affixed onto Amended Motion For Post Conviction Relief.

The Statutory Revision Division's publication of the statutes of this State as revised and consolidated is adopted biennially by the legislature. By Chapter 85-89 § 1, Laws of Florida, the 1985 Legislature adopted the statutes of 1983, to be published under the title "Florida Statutes 1985." All laws enacted at or prior to the 1983 legislature session not contained in Florida Statutes 1985 were repealed. The enrolled act, Chapter 84-86, Section 2 and 5,

stands as the official, primary evidence of the law as enacted by the legislature. See Section 11.242(5)(c), Fla.Stat. (1985), supra.

In this same direction, the State's **subterfuge** is to mislead this Court, the State failed to enlighten this Court to the fact that the Legislature enacted s. 11.2422 Statutes repealed, in following the "Powers, duties and functions" of the Statutory Revision and Indexing Division, that only the statutes that have been adopted by the Legislature in the form of a constitutional enactment, and every part of such statute, not included in Florida Statutes 1985, as adopted ... as amended ... or recognized and continued in force by reference therein ... as amended ... stand repealed. See Appendix "G" then see and compare Appendix "E" & "F" affixed onto Amended Motion For Post Conviction Relief. And due to the State's lack of enlightenment, for this Honorable Court's convenience this Defendant enlightens this Court to the following:

11.2422 Statutes repealed.

...Every statute of a general and permanent nature enacted by the State or by the Territory of Florida at or prior to the regular 1983 legislative session, and every part of such statute, not included in Florida Statutes 1985, as adopted by s. 11.2421, as amended, or recognized and continued in force by reference therein or in ss. 11.2423 and 11.2424, as amended, **is repealed....**

Applied **sub judice**, only those repeals, amendments, corrections and additions made by general laws enacted at 1983 and 1984 legislative sessions, appearing in the 1984 Cumulative Supplement to Florida Statutes, were adopted and enacted by force of Laws 1984, c. 85-59, adopting and enacting statute revision, and not those changes which may have been made by revisor or under his supervision and which were not brought to the attention of the Legislature by revisor's bills and as such enacted into law. **Foley**, 50 So.2d at 183.

Whereby, apparent assesement of the foregoing establishes the legislature, and it alone, is clothed with law-making power and no amendment made by the Attorney General can become law unless it has received the sanction of the legislature in the form of a constitutional enactment. See **Mathis v. State** 31 Fla. 291, 12 So. 682, 684.

A fortiori, on page 16 of this Defendant's Amended Motion For Post Conviction Relief, this Defendant asked this **Honorable Court** a two fold question, which has been expanded to three as follows:

(1) Does the law as enacted by the 1974 Legislature in Chapter 74-121, Sections 1, 2, 3, appear in the **1974 Supplement To The Florida States 1973** ? Compare Appendix "A" & "B" affixed onto Amended Motion For Post Conviction Relief.

(2) Does the law as enacted by the 1984 Legislature in Chapter 84-86, Sections 2 and 5, appear in the **1984 Supplement To The Florida States 1983** ? Compare Appendix "E" & "F" affixed onto Amended Motion For Post Conviction Relief.

(3) Is an un-enacted law a violation of either state or federal constitution?

The answer to the third question can be answered by looking at State ex rel. Blalock v. Lee, 1 So.2d 193, 194 (Fla.1941), *"If it was not a valid law then, it never became a valid law."* In other words, the brand new chapter 794, was illegally enacted by the reviser's service and thus void ab initio, as opposed to be merely voidable. All parts of an act void because of defective enactment never have any actual effect, including repealers. See e.g., Messer v. Jackson, 126 Fla. 678, 171 So. 660, 662 (Fla.1936); Amos v. Mosley, 74 Fla. 555, 77 So. 619 (Fla.1917). As a citizen of this state, Defendant is presumed to know the statutes and existing rules of law of this state, the Legislature created a valid law and to no fault of the Legislature the laws in question are as a matter of law, unconstitutional, and have created a due process *"notice"* violation. Our system of justice is built on the rule of law, not a rule of expedience. A rule of law requires that laws be written and adopted properly, so that all may know what the law proscribes. *Whereas*, there can be no "revival" of a predecessor statute, as this would impose a duty of clairvoyance.

Continuing on in this direction, the above precise and definitive applicable controlling authorities confirm the Legislature creates valid law, and when a law has not been properly ratified this Defendant should not be made to fear prosecution under a law that on its face has been repealed or otherwise displaced. If a properly approved statute says the earlier criminal statute has been displaced, then the notice requirements arising from the Fourteenth Amendment creates a broad right for this Defendant to rely upon that which the Legislature has declared obsolete. Any other rule would charge every person, not merely with the duty to know the law, but with the "duty" to foresee what a court has not done.

In this same direction, it follows that the 1984 Legislature, not aware of what the reviser's had done to Chapter 794, in 1974, and the fact Chapter 794 being invalid and without force or effect, deleted 794.11(5) (familial, custodial, or official authority; at a time when consent was a valid defense), and created s. 794.012 Prohibited acts; persons in familial or custodial authority; penalties, but it never appeared in the 1984 Supplement to Florida Statutes 1983, and *stands repealed*, s. 11.2422, Florida Statutes. See and compare Appendix "E" & "F" affixed onto Amended Motion For Post Conviction Relief.

Therefore, based upon the foregoing sworn factual claims, undisputed probative documentary evidence affixed onto Amended Motion For Post Conviction Relief, and the applicable controlling authorities advanced herein, it is readily apparent, questions 1 & 2, before this Honorable Court should be answered in the negative, and the third question before this Honorable Court should be answered in the affirmative. **Whereby**, an apparent assessment thereof confirms Chapter 794, Florida Statutes, has never been a valid statute since its effective date, being published in the **1974 Supplement To Florida Statutes 1973**. **Accord**, Section 794.041, Florida Statute, has never been a valid statute, magically appeared published in **1984 Supplement to Florida Statutes 1983**, was never created, adopted, approved, or enacted by the Legislature, and finally, 800.04, Florida Statutes was invalidated in 1984, all done by Statutory Revision Division, in violation of § 11.242, and all stand **repealed** pursuant to § 11.2422, Florida Statutes, and Article I, §§ 2, 9, 16, 18 & 21; Article II, § 3; Article III, § 6; and Article X, § 10, Florida Constitution.

Wherefore, this defendant has demonstrated his "actual innocence" based upon the evaluation of "**all the evidence**," sworn factual claims, undisputed probative documentary evidence, and the applicable controlling authorities advanced herein and in Amended Motion For Post Conviction Relief. All evidence that sustain his claims that no reasonable juror would have convicted this defendant based upon an offense that is not a valid law and constitutionally never became a valid law. The conviction therefrom must be vacated as an unrefuted **prima facie** case has been demonstrated, and as a result of these oversights this Honorable Court lacked **Subject Matter Jurisdiction**, it had no power to any cause under these statutes and this Defendant's convictions, sentences and judgments entered, are absolutely null and void, and should be set aside and stricken from the record, **whereby**, relief sought should be granted or an evidentiary hearing is required to secure the due process guarantees under both State and Federal Constitutions. **DOUGHERTY, supra**.

**Additional material
from this filing is
available in the
Clerk's Office.**